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REGIA
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CODEX
JURIS ECCLESIASTICI
ANGLICANI:

OR, THE

STATUTES, CONSTITUTIONS,
CANONS, RUBRICKS and ARTICLES,

OF THE

CHURCH OF ENGLAND,

Methodically DIGESTED under their Proper Heads.

WITH A

COMMENTARY,

HISTORICAL AND JURIDICAL.

BEFORE IT, IS

An INTRODUCTORY DISCOURSE, concerning the Preſent State of the
Power, Diſcipline and Laws, of the Church of ENGLAND:

AND AFTER IT,

An APPENDIX of INSTRUMENTS, Ancient and Modern.

By EDMUND GIBSON, D. D.
Archdeacon of SURREY, Rector of LAMBETH, and Chaplain to his Grace the
Lord Archbiſhop of CANTERBURY; afterwards Lord Biſhop of LONDON.

The SECOND EDITION, Reviſed and Improved with large ADDITIONS,
By the AUTHOR.

VOLUME THE SECOND.

OXFORD,
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TIT. XXXVI.

RESIDENCE, NON-RESIDENCE, and CURATES.

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CAP. I.

RESIDENCE *and* NON-RESIDENCE.

A.D.1237. 22 *H.* 3.

OTHO.

In Conſt. *Ne Eccleſia una dividatur*, &c.

Reſidence and Non-Reſidence.

Otho. Edit. Oxon. p. 36.

PRovideant igitur Diœceſani, ut ſemper apud Eccleſiam Reſideat aliquis, qui de Animarum Curâ ſit ſolicitus, ac ſe in Celebratione Divinorum, & Collatione Sacramentorum, exerceat utiliter & honeſté. De Reſidentia verò in Eccleſiis à Rectoribus facienda, videtur nobis conſulendum facto potius quàm ſtatuto. Extant enim [a] Concilia Romanorum Pontificum luce clarius loquentia. Super ea præterea major requiritur Executio Factorum, quam Editio Sanctionum.

Biſhops ſhall take care that Parochial Duties be diſcharged by a Reſident Miniſter, — according to ancient Conſtitutions.

[a] Concilia.] *Lateranen. ſub Alex. Tertio, Cap.* 13, 14. *Extra. de Clericis non Reſidentibus,* l. 3. t. 4. c. 3. *& de Præbendis,* l. 3. t. 5. c. 5. J. de Athon.

A.D.1281. 9 *Edw.* 1.

JOHANNES PECCHAM.

Rectores non reſidentes, nec Vicarios habentes, per Oeconomos ſuos Parochianis ſuis ſubveniant, & Prædicantibus hoſpitalitatem exhibeant.

Lyndw. Edit. Oxon. p. 132.

PRæterea *& infrá.* Statuimus, ut Rectores qui in Eccleſiis [b] non faciunt Reſidentiam Corporalem, [c] nec habent Vicarios, per [d] Oeconomos ſuos [e] Hoſpitalitatis gratiam exhibeant, juxta quod ſufficiunt Eccleſiæ facultates; adeò ut ſaltem Parochianorum pauperum neceſſitati ſubveniatur extremæ, & ut qui ibidem veniant, tranſeuntéſque prædi-

Incumbents, being non reſident, ſhall provide for Hoſpitality,

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[b] Non faciunt Reſidentiam.] *Supple, etiam ad hoc licentiati per ſuos Epiſcopos, vel alios ad quos pertinet. Nam ſi ſine Licentiâ non reſiderent, non ſolùm tenerentur ad obſervantiam hujus Conſtitutionis, ſed aliàs contra eos procedi poſſet ſecundùm exigentiam aliorum Jurium in eâ parte ſtatutorum.* Lyndw.

[c] Nec habent.] *Rectores ſub ſe habentes Vicarios, non tenentur ad Hoſpitalitatem.* Lyndw.

[d] Oeconomos.] *Oeconomus dicitur, cui res Eccleſiaſtica gubernanda mandatur.* Lyndw.

Regiſtr. *Winch.* 314. a.

[e] Hoſpitalitatis.] Robertus Winchelſea, *Archiep. Cant. pollicetur ſe diſpenſaturum de Non Reſidendo,* ſalvâ Hoſpitalitate, *ut ſequitur,* — "Taxatione tamen moderatæ diſtributi-"onis inter Egenos Parochianos annuatim, prout in abſen-"tium Parochiis noſtræ Diœceſeos ſecundùm Juris Exigen-"tiam & antiquam Conſuetudinem obſervatur, communi-"ter faciendæ, nobis ſpecialiter reſervatâ; cùm de triplici "paſtu, (*divini* ſcil. *verbi, boni exempli,* & *corporalis ali-"menti Egenorum,*) ad quem tenetur, abſentiâ ſuâ *tertium* "duntaxat exhiberi permittat.

Regiſtr. *Reynolds,* 290. b.

Et in Regiſtro Walteri Reynolds, *Archiepiſcopi Cant. reperitur Diſpenſatio de* Non-Reſidentiâ *per unum annum, cum iſta Clauſulâ.*

"Et juravit, tactis Sacro-ſanctis, quòd intra dictum an-"num diſtribueret inter *Pauperes Parochianos* unam mar-"cam. *Etiam, in Regiſtro* Langham, *cum hâc Clauſulâ,* "Quòd abſentiæ ſuæ damnum recompenſetur, Eleemoſyna-"rum largitione in Parochiâ ſuâ faciendâ; de quâ fiet fides "Domino [Archiepiſcopo] in eventu.

Regiſtr. *Langh.* f. ult. a.

Secundùm Injunctiones Principum Henrici *Octavi,* Edwardi *Sexti, &* Elizabethæ *Reginæ, aſſignata eſt Pauperibus* quadrageſima *pars cujuſque Beneficii; modò Rector vel Vicarius non-reſidens expendere poſſet* viginti *Libras, vel ultrà, annuatim.*

Burn. App. V. 1. p. 160. Coll. Can. p. 5, 70.

—and for Entertainment of Preachers.

cant Verbum Dei, neceſſaria recipiant Corporis Alimenta, ne Eccleſiæ ipſorum, inopiæ violentia, à Prædicantibus meritò deſerantur. Dignus enim eſt Operarius cibo ſuo, nec quiſquam tenetur propriis ſtipendiis militare.

9 Edw. II. Cap. 8. A.D. 1315.

Clerks in the King's Service ſhall be diſcharged of their Reſidence, but ſhall be corrected by the Ordinary.

Clerks in the Exchequer, and others, attending the Service of the King, ſhall be corrected by their Ordinaries;

—but not bound to Reſidence,

—as hath been accuſtomed, and is neceſſary.

ALSO Barons of the King's Exchequer, claiming by their privilege, that they ought to make anſwer to no complaint out of the ſame place, extend the ſame privilege unto Clerks abiding there, called to Orders or unto Reſidence, and inhibit Ordinaries that by no means, or for any cauſe, (ſo long as they be in the Exchequer, or in the King's ſervice) they ſhall not call them to judgment. The Anſwer. It pleaſeth our Lord the King, that ſuch Clerks as attend in his ſervice, *f* if they offend, ſhall be correct by their Ordinaries, like as other: *g* but ſo long as they are occupied about the Exchequer, they ſhall not be bound to keep reſidence in their Churches. This is added of new by the King's *h* Council: The King and his Anceſtors ſince time out of mind, have uſed that Clerks which are *i* employed in his ſervice, during ſuch time as they are in ſervice, ſhall *ii* not be compelled to keep reſidence at their Benefices. And ſuch things as be thought neceſſary for the King and the Commonwealth, ought not to be ſaid to be prejudicial to the liberty of the Church.

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2 Inſt. 624.

f **If they Offend.**] This, ſaith my Lord *Coke*, extendeth only *ad delicta*, i. e. *Crimina*, whereof the Eccleſiaſtical Court hath Connuſance, as Hereſie, Adultery, and the like, which the Ordinary may correct; and not unto *Civil* Actions.

Regiſtr. *Winchelſ.* f. 1. b.

g **But ſo long.**] It appears by an Entry in the Regiſter of Archbiſhop *Winchelſea*, that the Clergy were by no means content with this Anſwer; but thought the Anſwer *inſufficient*, and the Practice, a plain Breach of the *Liberties* of the Church; which is the meaning of what is added in the laſt Clauſe of this Act.

2 Inſt. 624.

h **Council.**] i. e. *Commune Concilium Regni*, as it is termed in Original Writs, and other legal Records.

i **Employed in his Service.**] The foregoing Clauſe relates only to the *Exchequer*; but this Branch (ſaith my Lord *Coke*) is general, and extendeth to any other Service of the King, for the good of the Common-wealth; as, if he be employed as an Ambaſſador into any foreign Nation, or the like Service of the King, which is *pro republicâ* (according to the Language of this Act) and muſt ever be preferred before the *private*.

ii **Not be compelled.**] And if they were; a Writ was provided in their favour, of the following tenor:

Regiſtr. f. 58. b.

Rex venerabili, &c. *Cum Clerici noſtri ad faciendam in beneficiis ſuis reſidentiam perſonalem, dum noſtris immorantur obſequiis, compelli, aut aliàs ſuper hoc moleſtari ſeu inquietari, non debeant, Noſque ac Progenitores noſtri, quondam Reges Angliæ, hujuſmodi libertate & privilegio pro Clericis noſtris à tempore quo non exiſtat memoria, ſemper hactenus uſi ſumus: vobis mandamus quòd dilectum Clericum noſtrum A. perſonam eccleſiæ de* S. *veſtræ dioc', qui in Cancellaria noſtra noſtris jugiter intendit obſequiis, ad perſonalem reſidentiam in beneficio ſuo prædicto faciendam, dum eiſdem obſequiis noſtris immoretur, nullatenus compellatis. Et ſequeſtrum, ſi quod in fructibus aut aliis bonis eccleſiæ ſuæ prædictæ ea occaſione per vos aut veſtros fuerit oppoſitum, ſine dilatione relaxari faciatis.* T. &c.

21 Henr. VIII. Cap. 13. A.D. 1529.

In an Act, Entituted, *Spiritual Perſons abridged from having Pluralities of Livings,* &c.

Every Perſon, promoted to any Dignity or Benefice, ſhall be perſonally Reſident;

XXVI. Be it alſo farther enacted by the authority aforeſaid, That as well every Spiritual perſon now being promoted to any Archdeaconry, Deanry, *k* or Dignity in any Monaſtery or Cathedral Church, or other Church conventual or collegiate, or being beneficed with any Parſonage or Vicarage, as all and every Spiritual perſon and perſons, which hereafter ſhall be promoted to any of the ſaid Dignities or Benefices, with any Parſonage or Vicarage, from the Feaſt of St. Michael the Archangel next coming, ſhall be *l* perſonally reſident, and abiding in, at, and upon his ſaid Dignity, Prebend or Benefice, or at any one of them at the leaſt. And in caſe that any ſuch Spiritual perſon at any time after the ſaid Feaſt, keep not reſidence at *m* one

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1 *Brownl.* 208. *Yelv.* 106.

k **Or Dignity.**] This is to be interpreted only of Dignities of like Nature with Archdeaconries and Deanries, or *inferiour* to them; and not to be extended to Biſhopricks, which are of a Superior nature. But yet this hath been adjudged a *general* Statute: and if a Biſhop be alſo an Archdeacon, Dean, &c. by *Commendam*, he is (as ſuch) puniſhable for Non-Reſidence, by this Statute.

2 Inſt. 625.

l **Perſonally Reſident.**] The Intendment of the Common-Law, (ſaith my Lord *Coke*) is, that a Parſon, &c. is Reſident upon his Cure: for in an Action of Debt, brought againſt J. S. *Rectorem de* D. the Defendant pleaded, that he was Demurrant and converſant at B. in another County: And the Rule of the Book is, that ſeeing the Defendant denied not that he was *Rector* of the Church of D. he ſhall be *deemed* by Law to be *demurrant* and *converſant there*, for the Cure of Souls.

1 Cro. 898.

In like Manner (44, 45 *Eliz.*) where the Caſe was, for a Way which the Parſon claimed from *his Houſe*, to a Hamlet there named; and it was not alledged in his Plea, in what *Vill* the ſaid Houſe was; it was however adjudged to be good, upon this reaſon, *That the Parſon ſhall be always* intended *to be reſident within his* Parſonage.

m **One of his ſaid Dignities,** &c.] So that Perſons who have a Plurality of Benefices with Cure, or thoſe who have a Benefice or Benefices, and Dignity or Dignities; are not puniſhable for Non-Reſidence by this Statute, if they be duly Reſident upon *any one* Dignity or Benefice.

Reſidence and Non-Reſidence.

of his ſaid [n] Dignities, Prebends or Benefices, as is aforeſaid, but abſent himſelf [o] wilfully by the ſpace of one month together, or by the ſpace of two months, to be accounted at ſeveral times in any one year, and make his reſidence and abiding in [p] any other places, by ſuch time, that then he ſhall forfeit for every ſuch default [q] x. li. ſterling; the one half thereof to the King our Soveraign Lord, and the other half to the party that will ſue for the ſame in any of the [r] King's Courts by original Writ of Debt, Bill, Plaint or Information: In which Action and Suit, the Defendant ſhall not wage his Law, nor have any Eſſoin or Protection allowed.

— and being abſent from all, one Month together, or two in a year, ſhall forfeit x. *lib.* Sterling.

XXVII. And if any perſon or perſons procure or obtain at the Court of Rome, or elſewhere, any manner of licence or diſpenſation, to be non-reſident at their ſaid Dignities, Prebend or Benefices, contrary to [s] this Act; that then every ſuch perſon or perſons putting in execution any ſuch diſpenſation or licence for himſelf, from the ſaid firſt day of April, in the year of our Lord God. M. D. and xxx. ſhall run and incur in the penalty, damage and pain of xx. li. ſterling, for every time ſo doing, to be forfeited and recovered, as is abovesaid; and ſuch licence or diſpenſation ſo procured, or to be put in execution, to be void and of none effect.

None ſhall procure Diſpenſation of Non-Reſidence from *Rome*, or elſewhere, contrary to this Act;

— upon pain to forfeit 20 *l.*

XXVIII. Provided always, that this Act of non-reſidence ſhall not in any wiſe extend, ne be prejudicial to any ſuch Spiritual perſon as ſhall chance to be in the [t] King's ſervice beyond the Sea, nor to any perſon or perſons going to any pilgrim-

This Act ſhall not extend

— to Perſons in the King's Service,

How far a Pluraliſt is puniſhable in the Eccleſiaſtlcal Court, for neglecting the Condition uſually expreſſed in Diſpenſations (*viz.* of Reſidence for *two months* of the year, at the Benefice where he doth not *ordinarily* Reſide;) is not within the Conſideration of this Statute.

1 Cro. 663.

[n] **Dignities, Prebends,** &c.] Where one was choſen *Goſpeller* of St. *Paul*'s, and pleaded that he was reſident there by reaſon of that Dignity; *Popham* and *Clinch* (the other Juſtices being abſent,) gave their Opinion, that the place of *Goſpeller* was not a Dignity within this Statute; but they ſaid, they would *adviſe*, upon hearing the Defendant's Counſel; and the Cauſe was adjourned, and afterwards compounded.

One Argument uſed in this Caſe was, That a Vicar in a Cathedral Church is a *greater* Dignity, than that of Goſpeller; and yet that it was held 27 *H.* 8. that a *Vicar* having Benefice with Cure, ought to be Reſident upon it; but that is only mentioned *occaſionally*.

Extra. l. 3. t. 5. c. 30.

Where a Benefice was annexed to a Dignity or Prebend, the Perſon was not obliged to Reſidence upon it by the Canon Law: *Qui verò parochialem habet Eccleſiam, non per Vicarium, ſed per ſeipſum illi deſerviat, in ordine quem ipſius Eccleſiæ cura requirit: niſi fortè Dignitati, vel Præbendæ parochialis Eccleſia ſit annexa: in quo caſu concedimus, ut qui talem habet Præbendam, vel Dignitatem, cùm oporteat eum in majori Eccleſia deſervire, in ipſa parochiali Eccleſia idoneum, & perpetuum habeat Vicarium canonicè inſtitutum, qui (ut prædictum eſt) congruentem habeat de ipſius Eccleſiæ proventibus portionem: alioquin illâ ſe ſciat auctoritate hujus decreti privatum, liberè alii conferendâ, qui velit, & poſſit, quod dictum eſt, adimplere.*

1 Cro. 590.
2 Bulſtr. 18.
6 Rep. 21. b.

[o] **Wilfully.**] So that if he hath no *Parſonage-Houſe*, or remove by advice of his Phyſician for better Air, in order to the recovery of his Health, or be removed and detained by *Impriſonment*, or the like; he is not puniſhable within this Statute, which *ſuppoſes* the Abſence to be *Voluntary:* Inſomuch that the Information hath been adjudged *Inſufficient*, for lack of the word *voluntariè* expreſly inſerted; which, the whole Court agreed, was of *force*, and muſt be in of *neceſſity*.

1 Cro. 100.

[p] **Any other Places.**] Altho' by Stat. 13 *Eliz.* c. 20. where the Words are, "*ordinarily Reſident, and ſerving the Cure*, a Parſon may live in *another Pariſh*, and yet the *Leaſe* ſhall not be void, in caſe he ſerve and attend his Cure, at the proper Seaſons; yet by this Statute, where the words are, that he ſhall be *abiding in, at, or upon*, and, *not abiding at any other place*, it is not only Non-Reſidence, to dwell in *another Pariſh*, in caſe the Incumbent hath a Parſonage Houſe to dwell in; but it is alſo Non-reſidence, to dwell in *another Houſe* of the ſame Pariſh. Becauſe the Statute was made, not only that the Cure ſhould be ſerved, and Hoſpitality maintained; but alſo that the Parſonage-Houſe ſhould be upholden, and preſerved in a condition fit for Incumbents to live in; which cannot ordinarily be *ſuppoſed*, if the preſent Incumbent doth not inhabit it. And if the Statute ſhould be otherwiſe conſtrued, many Inconveniences would enſue. For Parſons would purchaſe other Houſes within their Pariſhes, and be always reſident upon *them*, and ſuffer their *Parſonage-houſes* to decay, and impoveriſh their *Glebe*, and enrich their own Poſſeſſions, in prejudice of their Succeſſors.

6 Rep. 21. b.
1 Cro. 490.
2 Brownl. 54.

For theſe reaſons, tho' the Incumbent, in one caſe, demiſing the Parſonage-houſe, reſerved a Chamber to himſelf; and, in another caſe, held the whole Parſonage-houſe in his own hands and occupation, and kept it in good repair; yet both theſe were affirmed to be Non reſidence within this Statute, becauſe it appeared that the Incumbents were *perſonally reſident* in *other* Houſes; even tho', in the ſecond caſe, the Houſe he reſided in, was within 20 *yards of the Rectory*; and the firſt alſo was in the *ſame Town*.

2 Brownl. 54, 55.

[q] **Ten pound.**] This is a Coercion upon Incumbents, which may be uſed by any perſon or perſons whatſoever; and doth not ſuperſede or affect the Right that the Ordinary hath, by the Laws of the Church, to puniſh Non-reſidence by *Eccleſiaſtical Cenſures*; which (in caſe of *Obſtinacy* on the part of the Incumbent) may be carried to *Deprivation*. So is the Rule of the Canon-Law, "De clericis qui Eccleſias vel Præbendas ſibi conceſſas, ſine juſtâ & neceſſariâ cauſa *deſerunt*, tuo præſertim non accedente conſenſu, hoc tibi duximus reſpondendum; quòd poſtquam congruo tempore fuerint expectati, niſi *redierint* ad illas, poſſunt eis juſtè *privari*; dummodo non ſint *juſto impedimento* detenti. And where the Incumbent cannot be found in order to Citation, the Rule is, "In *Eccleſiis* eorum, qui ſe fraudulenter abſentant, nec ad ipſos valet Citatio pervenire, *trinæ Citationis* Edictum facias publicari; & ſi nec ſic curaverint obedire, & ultra *ſex menſes* ſuas deſeruerint Eccleſias, eis debent meritò *ſpoliari*.

Extra. l. 3. t. 4. c. 10.

Ibid. c. 11.

Accordingly, tho' the Biſhop *may* content himſelf with † Sequeſtration, and other Cenſures of an Inferior nature, which we find ſometimes inflicted; ‡ and the more frequent puniſhment hath been * *Deprivation*.

† Peck. 60. a, b.
Park. 377. a, b.
‡ Qu. an, *Yet?*
* Iſlip, 107. b.
Witleſ. 39. b.
Warh. 251. a.
Park. 188. a.
337. a, b.

[r] **King's Courts.**] And therefore Information upon this Statute cannot be brought before Juſtices of *Aſſize*, and *Oyer* and *Terminer*; but only in the *King*'s Courts, where there may be *Eſſoin*, *Wager of Law*, and *Protection*.

[s] **This Act.**] In our Eccleſiaſtical Records, we find abundance of Licences for Non-Reſidence, granted by Ordinaries, on account of Attendance upon *Biſhops*, *Abbots*, *Earls*, *Barons*, *&c.* which Licences were ſo limited, as to continue in force a year, or two, or three, or *quamdiu moratur in obſequio Domini*, &c. And the *Proviſoes* in this Act, being only Exemptions from the *penalties* of it; the ſame Canonical *obligation* reſts upon thoſe, as well as other Incumbents, who deſire at any time to be non reſident on ſuch occaſions, *viz.* to pray and obtain the *Licence* of the Biſhop, and to return to Reſidence, when Cited and Admoniſhed by him; or otherwiſe to be liable to Eccleſiaſtical Cenſures, in ſuch manner as they were, before the making of this Act.

[t] **King's Service.**] By Stat. 9 *Edw.* 2. c. 8. as we have ſeen, the King's *Clerks* of all ſorts are excuſed from Reſidence, not only by that Statute, but (as is there declared) by the *Common-Law* of the Land; and (according to my Lord *Coke*'s Interpretation) this is an ancient Privilege, extending to *all others*, who ſhall be employed by the King, in any kind.

Vid. infr. p. 889.

—Nor to Pilgrims,
—nor to Scholars in the Univerſities,
—nor to Chaplains of the King and Royal Family,
—nor to Chaplains of Archbiſhops or Biſhops, or Temporal Lords, or Ladies,
—nor to the Chaplains of the great Officers of the Court,
—nor to Chaplains of Knights of the Garter, Lord Chief Juſtice of the King's Bench, Warden of the Ports, Maſter of the Rolls, Secretary of State, Dean of the Chapel, Almoner,
—nor to the Maſter of the Rolls, Dean of the Arches, Chancellor or Commiſſary of Archbiſhops or Biſhops,
—nor to Maſters in Chancery, or Advocates of the Arches, being Spiritual Perſons,
—nor to any attending Law-ſuits.

age or holy place beyond the Sea, during the time that they ſhall ſo be in the King's ſervice, or in the pilgrimages going and returning home; Nor to any Scholar or Scholars being converſant and abiding [u] for ſtudy, without fraud or covin, at any Univerſity within this Realm or without; Nor to any of the Chaplains of the King or Queen, daily or quarterly attending and abiding in the Kings, or Queens moſt honourable houſholds; Nor to any of the Chaplains of the Prince or Princeſs, or any of the Kings or Queens Children, Brethren or Siſters, attending daily in their honourable houſholds, during ſo long as they ſhall attend in any of their houſholds; Nor to any Chaplain of any Archbiſhop or Biſhop, or of any Spiritual or Temporal Lords of the Parliament, daily attending, abiding and remaining in any of their honourable houſholds; Nor to any Chaplain of any [w] Dutcheſs, Marchioneſs, Counteſs, Vicounteſs or Baroneſs, attending daily and abiding in any of their honourable houſholds; Nor to any Chaplain of the Lord Chancellor or Treaſurer of England, the Kings Chamberlain, or Steward of his houſhold for the time being, the Treaſurer and Controller of the Kings moſt honourable houſhold for the time being, attending daily in any of their honourable houſholds; Nor to any Chaplain of any of the Knights of the honourable Order of the Garter, or of the Chief Juſtice of the Kings Bench, Warden of the Ports, or alſo of the Maſter of the Rolls; Nor to any Chaplain of the Kings Secretary and Dean of the Chapel, or Amner for the time being, daily attending and dwelling in any of their houſholds, during the time that any ſuch Chaplain or Chaplins ſhall abide and dwell, without fraud or covin, in any of the ſaid honourable houſholds; Nor to the Maſter of the Rolls, or Dean of the Arches, nor any Chancellor or Commiſſary of any Archbiſhop or Biſhop; Nor to as many of the twelve Maſters of the Chancery, and twelve Advocates of the Arches, as be or hereafter ſhall be ſpiritual men, during ſo long time as they ſhall occupy their ſaid rooms and offices: Nor to any ſuch ſpiritual perſons as ſhall happen, by injunction of the Lord Chancellor, or the Kings Council, to be bound to any daily appearance and attendance to anſwer to the Law, during the time of ſuch Injunction.

The King may give Licence for Non-reſidence.

XXIX. Provided alſo, that—it ſhall be lawful to the Kings Highneſs to give licence to every of his own Chaplains for non-reſidence upon their Benefices; Any thing in this preſent Act contained to the contrary notwithſtanding.

Noble-women being Widows, and Marrying Commoners, may continue to keep Chaplains, with Benefit of Plurality and Non-reſidence

XXXIII. Provided always, That every Dutcheſs, Marchioneſs, Counteſs, Baroneſs, Widows, which have taken, or that hereafter ſhall take any Husbands under the degree of a Baron, may take ſuch number of Chaplains, as is above limited to them being Widows; and that every ſuch Chaplain may purchaſe Licence to have and take ſuch number of Benefices with Cure of Souls, and have like liberty of Non-Reſidence, in manner and form as they might have done, if their ſaid Ladies and Miſtreſſes had kept themſelves Widows: Any thing in this Act contained to the contrary notwithſtanding.

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[u] **For ſtudy.**] Inſtances of ſuch Licences upon our Records, are without number; but becauſe they were much abuſed, to the cloaking of Idleneſs and diſſolute Living, under *pretence* of Study; they were ſpecially regulated and limited by the Act 28 *H.* 8. c. 13; which ſee below.

4 Rep. p. 117. a.

[w] **Dutcheſs, Marchioneſs,** &c.] If any of theſe retaineth Chaplains, according to this Statute, and afterwards taketh to Husband one of the Nobility (as it was in *Acton*'s Caſe, where the Baroneſs *Mounteagle*, after ſuch Retainer, took to Husband the Lord *Compton*;) the Retainer remaineth in force, notwithſtanding ſuch marriage, and the Chaplains, ſo long as they tend upon her, ſhall not be adjudged *Non-Reſidents*, within this Act.

1, 2 Phil. & Mar. Cap. 8.

A.D. 1554.

In an Act, Entituled, *An Act repealing all Articles and Proviſions made againſt the See Apoſtolick, &c.*

Rehearſal of the foregoing Statute,

III. ---- And where alſo in the ſaid Act it was ordained and enacted, that if any perſon or perſons did procure or obtain at the Court of Rome, or elſewhere, any matter or licence of diſpenſation to be non-reſident at their dignities, Prebend, or Benefices, contrary to the ſaid Act, that then every ſuch perſon or perſons, putting in execution any ſuch diſpenſation or licence for himſelf, from the ſaid firſt day of April, in the ſaid year of our Lord God 1530, ſhould run and incurr in the penalty, damage and pain of twenty pounds ſterling for every time ſo doing, to be forfeited and recovered, as by the ſaid Act is declared: and yet ſuch licence or diſpenſation ſo procured, or to be put in execution, to be void and of none effect, as by the ſame Act more plainly it doth and may appear:

—and Repeal thereof.

Be it enacted by the authority of this preſent Parliament, that as much only of the ſaid Act as concerneth the Articles and clauſes aforeſaid, and all and every the words and ſentences contained in the ſaid Act, concerning the ſaid articles and clauſes, and every of them, ſhall from henceforth be [x] repealed, adnulled, revoked, adnihilated and utterly made void for ever: any thing in the ſaid Act to the contrary in any wiſe notwithſtanding.

Dyer, f. 352. a.

[x] **Repealed.**] This Act, thus repealed, was not revived by 1 *Eliz.* but the Stat. 25 *Henr.* 8. c. 21. was then revived *by name*; and in virtue of that Reviver, and of the following Clauſe in the Act ſo revived, doth the preſent Act ſubſiſt, and remain in force, notwithſtanding this Repeal.

Reſidence and Non-Reſidence.

A.D. 1533.

25 Henr. VIII. Cap. 21.

In an Act, Entituled, *An Act concerning Peter-pence and Diſpenſations.*

XXI. Provided alſo, That this preſent Act, or any thing therein contained, or any licence, or diſpenſation hereafter to be made by virtue and authority thereof, ſhall not extend to the repeal, or derogation of the late Act made ſith the beginning of this preſent Parliament, for reformation of pluralities of benefices, and for non-reſidences of ſpiritual perſons upon their dignities or benefices, nor to any things contained or mentioned in the ſaid Act. — And that the ſame Act for pluralities and non-reſidences of benefices, and every thing therein contained, ſhall ſtand good and effectual in all intents, according to the true meaning thereof, any thing in this preſent Act, or any Licence or diſpenſation to be had by authority thereof, in any wiſe notwithſtanding.

Stat. 25 *H.* 8. c. 21. ſhall not any way alter Stat. 21 *Henr.* 8. c. 13. concerning Non-Reſidence.

A.D. 1539.

28 Hen. VIII. Cap. 13.

Which Spiritual perſons ſhall be reſident upon their Benefices, and which not, and for what Cauſes,

Where in the Parliament begun at London on the third day of November, in the xxi. year of the Reign of our Soveraign Lord King Henry the viii. and from thence adjourned and prorogued to the Palace of Weſtminſter, the xvii. day of December then next enſuing, amongſt other good Acts and Ordinances then and there by the authority of the ſaid Parliament, it was eſtabliſhed, and ordained, and enacted, That as well every Spiritual perſon, then being promoted to any Archdeaconry, Deanry or Dignity in any Monaſtery, or Cathedral Church, or other Church conventual or collegiat, or being Beneficed with any Parſonage or Vicarage, as all and every ſpiritual perſon and perſons, which ſhould after the Feaſt of S. Michael the Archangel, which was in the aforeſaid xxi. year of the Reign of our Sovereign Lord King Henry the viii. be promoted to any of the ſaid dignities or benefices with any Parſonage or Vicarage; ſhould, from the ſaid Feaſt of S. Michael the Archangel, be perſonally reſident and abiding at and upon his ſaid dignity, Prebend or Benefice, or at one of them at the leaſt: And in caſe any ſuch ſpiritual perſon at any time after the ſaid Feaſt, kept not reſidence at one of his ſaid dignities, prebend, or benefices (as is aforeſaid) but abſent himſelf wilfully by the ſpace of one month together, or by the ſpace of two months, to be accounted at ſeveral times in any one year, and make his reſidence and abiding in any other places by ſuch time; That then he ſhall forfeit for every ſuch default x. li. ſterling, as in the ſame Act more plainly doth appear: In which Act among other proviſions contained and ſpecified in the ſame, it was provided, that the ſaid Act of non-reſidence ſhould not in any wiſe extend, ne be prejudicial, to any Scholar or Scholars, being converſant and abiding for ſtudy without fraud or covin at any Univerſity within this Realm, or without, as by the ſame proviſion doth alſo appear more at large. Sithence the making of which good Act and Statute, divers and many perſons being beneficed with cure of ſouls (as is aforeſaid) and being not apt to ſtudy by reaſon of their age, or otherwiſe, ne never intending before the making of the ſaid Act, to travel in ſtudy within any of the ſaid Univerſities for the increaſe of learning, but rather minding and intending their own eaſe, ſingular lucre and pleaſure, by the ſame proviſion colourably to defraud the ſame good Statute and Ordinance, do daily and commonly reſort and repair to the ſaid Univerſities of Oxford and Cambridge, and to either of them, where they under the ſame pretence and colour of ſtudy, do continue and abide, living diſſolutely, nothing profiting themſelves by ſtudy at all in learning, but conſume the time in idleneſs, and in other paſtimes and inſolent pleaſures, giving occaſion and evil example thereby to other young men and ſtudients within the ſaid Univerſities, little or nothing regarding their cure and charge of ſouls, contrary to the minds and intent of the makers of the foreſaid good Statute and Ordinance: And alſo divers and many old beneficed men have and do continually remain there, never exerciſing nor practiſing their Learning to the example of vertue, and maintenance of the Commonweal, in diſcharge of their conſcience, according to their duty; having nevertheleſs, and occupying ſuch rooms and commodities as were inſtituted and ordained for the maintenance and relief of poor Scholars, to the great hindrance and detriment of the ſame:

Recital of 21 *H.* 8. c. 13.

— as to the Obligation, and Penalty, of Non-Reſidence,

— and of the Exception contained in the ſaid Act, as to Scholars in the Univerſity.

Divers Perſons, to defraud the ſaid Act, do reſort to the Univerſities,

— conſuming their time in idleneſs, and neglecting their Cures,

— and occupying the Rooms of poor Scholars.

II. Be it therefore enacted by the King our Soveraign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, That all and ſingular ſpiritual perſon and perſons, which now be, or hereafter ſhall be to any benefice or benefices promoted as is aforeſaid, being above the age of xl. years, (the Chancellor, Vice-chancellor, Commiſſary of the ſaid Univerſi-

No Spiritual Perſon, beneficed, and above 40, living in the Univerſity,

—except Chancellors, Vice-Chancellors, Heads and Profeſſors,

—ſhall thereby be excuſed from Reſidence;

ties, or any of them, Wardens, Deans, Provoſts, Preſidents, Rectors, Maſters, Principals, and other head Rulers of Colledges, Halls and other houſes or places corporate within the ſaid Univerſities, or any of them, Doctors of the Chair, Readers of Divinity in the common Schools of Divinity in any of the ſaid Univerſities, only excepted) ſhall be reſident and abiding at, and upon one of their ſaid benefices, according to the intent and true meaning of the ſaid former Act, upon ſuch pain and penalties as be contained in the ſaid former Act, made and appointed for ſuch beneficed perſons for their non-reſidence. And that none of the ſaid beneficed perſons being above the age aforeſaid, except before except, ſhall from henceforth be excuſed of their non-reſidence upon the ſaid benefices, for that they be ſtudients or reſiant within the ſaid Univerſities or any of them; any proviſoe, or any other clauſe or ſentence ſpecified or contained in the ſaid former Act of non-reſidence, or any other thing or things to the contrary hereof in any wiſe notwithſtanding.

—nor ſhall any other, under 40, enjoy the benefit of the ſaid Act by living in the Univerſity, unleſs he attend Lectures, and keep Exerciſe.

III. And over this be it enacted by the authority aforeſaid, That all and ſingular ſuch beneficed perſons, being under the age of xl. years, reſiant and abiding within the ſaid Univerſities, or any of them, ſhall not enjoy the privilege and liberty of non-reſidence, contained in the proviſoe of the ſaid former Act, made for the Scholars of the ſaid Univerſities, or any of them, unleſs he or they be preſent at the ordinary Lecture and Lectures, as well at home in their houſes, as in the common School or Schools: And in their proper perſon keep ſophemes, problems, diſputations, and other exerciſes of learning, and be opponent, and reſpondent in the ſame, according to the ordinances and ſtatutes of either of the ſaid Univerſities, where he or they ſhall be ſo abiding or reſiant; any thing contained in the ſaid Proviſoe or former Act to the contrary notwithſtanding.

IV. Provided always, That this Act ſhall begin to take effect, at the Feaſt of S. Michael the Archangel next coming, and not before.

This Act ſhall not extend to Readers in Univerſity, or College,

—nor to any Perſon, while he is proceeding in Degree of Doctor.

V. Provided always, That this Act nor any thing therein contained, ſhall extend to any perſon or perſons, which now is, or hereafter ſhall be Readers of any publick or common Lecture in Divinity, Law Civil, Phyſick, Philoſophy, Humanity, or of any of the liberal Sciences, or publick or common Interpreters, or Teachers of the Hebrew Tongue, Chaldee, or Greek, in whatſoever College or place of any of the ſaid Univerſities, the ſaid perſons for the time being ſhall read the ſaid common or publick Lectures: Nor yet to any perſon or perſons, after, or above the age of forty years, which ſhall reſort to any of the ſaid Univerſities, to proceed Doctors in Divinity, Law Civil, or Phyſick, for the time of their ſaid Proceedings, and executing of ſuch Sermons, Diſputations or Lectures, which they be bound by the Statutes of the Univerſities there to do for the ſaid degrees ſo obtained.

25 Henr. VIII. Cap. 16.

A.D. 1533.

An Act limiting what Perſons ſhall have Chaplains.

Recital of Stat. 21 *H.* 8. c. 13.

—in which there being divers Omiſſions,

Where in the Parliament holden at Weſtminſter in the xxi. year of the Reign of our Soveraign Lord King Henry the Eight, it was among other things ordained and provided, That certain Honourable perſons, as well Spiritual as Temporal, ſhall have Chaplains beneficed, with Cure, to ſerve them in their honourable Houſes, which Chaplains ſhall not incur the danger of any penalty or forfeiture, made or declared in the ſame Parliament for non-reſidence upon their ſaid Benefices, or for obtaining licences for diſpenſations of pluralities: In the which Act no proviſion was made for any of the Kings Judges of his high Courts commonly called the Kings Bench, and the Common Place, except only for the Chief Judge of the Kings Bench, nor for the Chancellor, nor the Chief Baron of the Kings Exchequer, nor for any other inferiour perſons, being of the Kings moſt honourable Council, as by the ſaid Act may appear:

Enacted, that, —one Chaplain, beneficed, and *non-reſident*, may be kept, —by every Judge, —by Chancellor, and Barons of the Exchequer, —by Attorney and Sollicitor General.

II. Wherefore it is ordained and enacted by authority of this preſent Parliament, That as well every Judge of the ſaid high Courts, and every of the Chancellor and chief Baron of the ſaid Exchequer, the Kings general Attorney, and general Sollicitor, which for the time is, be, or ſhall be; ſhall and may from henceforth at his liberty retain, and have ſingularly to every of them in his houſe, or attendant to his perſon, one Chaplain, having one Benefice with Cure of Souls, which may be abſent from his ſaid Benefice, and not reſident upon the ſame: The ſaid Statute made in the ſaid one and twentieth year, or any other Statute, Act or Ordinance, made to the contrary, in any wiſe notwithſtanding.

Reſidence and Non-Reſidence.

A.D.1541.

33 Henr. VIII. Cap. 28.

An Act for the Chancellor of the Dutchy of Lancaſter, *and others, to have Chaplains.*

TO the King our Sovereign Lord. Where in the Parliament holden at Weſtminſter, in the one and twentieth year of your moſt gracious Reign, it was amongſt other things ordained and provided, That certain honourable perſons, and other of your Highneſs Councellors and Officers, as well Spiritual as Temporal, ſhould and might have Chaplains beneficed with cure, to ſerve and attend upon them in their houſes, which Chaplains ſhall not incur the danger of any penalty or forfeiture made or declared in the ſame Parliament, for non-reſidence upon their ſaid benefices, or for obtaining licences or diſpenſations of pluralities: in which Act is no proviſion made for any the head Officers of your Grace's ſeveral Courts of your Dutchy of Lancaſter, the Courts of Augmentations of the Revenues of your Highneſſes Crown, the firſt fruits and tenths, the Maſter of your Majeſties Wards and Liveries, the general Surveyors of your Grace's lands, and other your Grace's Courts:

Recital of Stat. 21 *H.* 8. c. 13.

—in which there being divers Omiſſions;

II. In conſideration whereof, it may pleaſe your Majeſty, That it may be enacted by your Highneſs, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the Chancellor of the ſaid Court of the Dutchy of Lancaſter, the Chancellor of your highneſs Court of Augmentations, the Chancellor of your Grace's Court of Firſt-Fruits and Tenths, the Maſter of your Highneſs Wards and Liveries, and every of your Grace's general Surveyors of your Highneſs Lands, the Treaſurer of your Grace's Chamber, the Treaſurer of your Highneſs Court of Augmentations, and the Groom of your Grace's Stole, and every of them for the time being, ſhall and may retain ſingularly to every of them in his houſe, or attendant unto his perſon, one Chaplain having one Benefice with cure of ſouls, which may be abſent from the ſaid Benefice, and non-reſident upon the ſame; the ſaid Eſtatute made in the ſaid One and twentieth year of your moſt gracious Reign, or any other Eſtatute, Act, or Ordinance made to the contrary, in any wiſe notwithſtanding.

Enacted, that,
—One Chaplain, beneficed, and *non-reſident*, may be kept,
—by the Chancellors of the Dutchy, Augmentations, and Firſt-fruits,
—by Maſter of Wards,
—by Surveyors General,
—by the Treaſurers of Chamber, and Augmentations,
—by the Groom of the Stole.

III. Provided alway, and be it enacted by authority aforeſaid, That every of the ſaid Chaplains ſo being Beneficed as is aforeſaid, and dwelling with any the Officers aforenamed, ſhall perſonally repair two times in every year at the leaſt, to his ſaid Benefice and Cure, and there to tarry and abide by the ſpace of eight days, at every ſuch time at the leaſt, to viſit and inſtruct his ſaid Cure; upon the pain to forfeit for every time ſo failing, Forty ſhillings; the one moiety thereof to the King our Sovereign Lord, the other to ſuch as will ſue for the ſame by Action of Debt, Bill, Plaint, or Information, in any of the Kings Courts of Record, in which ſuit no eſſoin, protection or wager of Law ſhall be allowed.

Every of which ſaid Chaplains ſhall repair to his Cure, twice a year,

—upon pain to forfeit 40 *s.*

A.D.1571.

13 Eliz. Cap. 20.

An Act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with Cure.

THAT the Livings appointed for Eccleſiaſtical Miniſters, may not by corrupt and indirect dealings be transferred to other uſes; Be it enacted by the authority of this preſent Parliament, That [y] no Leaſe after the fifteenth day of May, next following the beginning of this Parliament, to be made of any Benefice or Eccleſiaſtical promotion with Cure, or any part thereof, and not being impropriated, ſhall endure any longer than while the Leſſor ſhall be ordinarily reſident, and ſerving the Cure of ſuch Benefice without abſence above fourſcore days in any one year: but that every ſuch Leaſe, ſo ſoon as it, or any part thereof, ſhall come to any poſſeſſion or uſe above forbidden, or immediately upon ſuch abſence, ſhall ceaſe and be void; and the Incumbent ſo offending, ſhall for the ſame loſe one years profit of his ſaid Benefice, to be diſtributed by the Ordinary among the Poor of the Pariſh: And that all chargings of ſuch Benefices with Cure hereafter, with any Penſion or with any Profit out of the ſame to be yielded or taken, hereafter to be made, other than Rents to be reſerved upon Leaſes hereafter to be made, according to the meaning of this Act, ſhall be utterly void.

No Leaſe of Benefice with Cure, ſhall be longer good, than the Leſſor is Reſident,
—without abſence above 80 days in one year;

—and the Incumbent offending ſhall alſo loſe one year's profit.

No Penſion ſhall be charged upon any Benefice with Cure.

[y] **No Leaſe.**] This Statute being not a *rule* of Reſidence or Non-reſidence, further than as theſe render *Leaſes* valid or invalid; it was judged moſt proper to inſert the Commentary upon it, under the title of *Leaſes*; as may be ſeen above. Tit. 31. Cap. 6.

Any Parſon having two Benefices may demiſe one to his Curate, — whoſe abſence above 40 days ſhall void the Leaſe.

Reſidence and Non-Reſidence.

II. Provided, That every Parſon by the Laws of this Realm allowed to have two Benefices, may demiſe the one of them upon which he ſhall not then be moſt ordinarily reſident, to his Curate only, that ſhall there ſerve the Cure for him; but ſuch Leaſe ſhall endure no longer than during ſuch Curates reſidence, without abſence above forty days in any one year. This Act to continue to the end of the next Parliament. †

† See the Continuing, Explaining, and Perpetuating of it, in Tit. xxxiv. cap. 3.

CAP. II.

Reſidence of VICARS.

STEPHANUS.

A.D. 1222. 6 *H.* 3.

Nullus ad Vicariam admittatur, niſi qui & præſens eſſe, & ſacerdos effici de proximo prætendat: aliter admiſſus repellatur.

None ſhall be Admitted to a Vicarage, but who will reſide, and is fit to be ordained Prieſt.

Reſidence of Vicars.

Lyndw. Edit. Oxon. p. 64.

CUM hoſtis, & *infrà.* Statuimus ut nullus z Epiſcoporum Provinciæ noſtræ quenquam ad Vicariam admittat, niſi velit in Eccleſia in qua ei Vicaria conceditur, zz perſonaliter miniſtrare, ac talis exiſtat qui infrà *a* breve tempus in Presbyterum ordinari valeat. Quod ſi admiſſus fuerit aliquis, & noluerit in Presbyterum ordinari, Vicarii beneficio ſpolietur.

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z Epiſcoporum.] *Ad quos regulariter ſpectat Admiſſio Curatorum ad Beneficia Eccleſiaſtica, quibus imminet Cura Animarum: Ubi tamen hujuſmodi Admiſſio pertinet ad alios, tenentur ſervare illud quod hîc dicitur.* Lyndw.

Extra. l. 1. t. 28. c. 2.

zz Perſonaliter.] Secundùm Ordinationem Juris Canonici: *Provideas attentius, ne in Epiſcopatu tuo patiaris aliquem Vicarias habere plures. Quia cum Vicarii teneantur Perſonis, & Eccleſiis deſervire, alienum eſt ab ordine juris, ut Vicariam quis habeat præter unam.*

Extra. l. 1. t. 28. c. 4.

Clericos in Presbyteratu, vel in aliis inferioribus ordinibus conſtitutos, in Vicariis Eccleſiarum, quas adepti ſunt, alios ſibi ſubſtituere non permittas; cum id ſatis ſit abſonum & abſurdum.

a Breve tempus.] *Scil. in proximâ Celebratione Ordinum.* Lyndw.

STEPHANUS.

A.D 1222. 6 *H.* 3.

Epiſcopi nullum aſſumant Vicarium, qui non intereſſe perſonaliter, ac intra annum ad Sacerdotium tendere decenter velit; aſſumptum autem, & nolentem, rejiciant: Nec Eccleſiam non ultra quinque marcas habentem, in ea reſidere nolenti conferant; collatam verò auferant.

None ſhall be admitted to a Vicarage, but who will reſide, and is fit to be ordained Prieſt;

Lyndw. Edit. Oxon. p. 131.

CUM hoſtis antiquus & *infrà.* Solerter cavendum eſt ne talibus cura gregis Dominici committatur, qui aut negligunt aut ignorant, cuſtodiæ ſibi commiſſæ (ut decet) intendere vigilanter. Statuimus itaque ut nullus Epiſcoporum ad Vicariam quenquam admittat, niſi velit in Eccleſia, in qua ei Vicaria conceditur, perſonaliter miniſtrare, ac talis exiſtat qui infra breve tempus valeat in Preſbyterum ordinari. Quòd ſi admiſſus fuerit aliquis, & noluerit in Preſbyterum ordinari, Vicariæ beneficio ſpolietur. Et quia inhoneſtum eſt ut Eccleſiæ, propter minores reditus paſtoribus maneant deſolatæ, præſenti decreto ſtatuimus ut Eccleſiæ quæ in reditibus ultra *b* quinque marcas non habent, non niſi talibus perſonis conferantur quæ reſideant in eiſdem, & in propria perſona miniſtrent. Quòd ſi fortè tales admiſſi fuerint qui reſidere noluerint, aut etiam Eccleſiæ miniſtrare, cùm non niſi laborantibus *c* panis Dominicus ſit largiendus, Eccleſiis ipſis, præmiſſâ admonitione debitâ, per Diœceſanum Epiſcopum ſpolientur.

— and Churches of ſmall value ſhall be given to none, but ſuch as will be Perſonally Reſident.

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b Quinque Marcas.] *De hâc materiâ, vide ſuprà,* p. 685.

c Panis Dominicus.] i. e. *Suſtentatio quæ provenit ex Reditibus Eccleſiæ.* Lyndw.

OTHO.

Reſidence of Vicars.

A.D. 1237.
22 *H.* 3.

O T H O.

Summarium.

Vicariam nullus ſuſcipiat, niſi ſit Presbyter, aut Diaconus proximis quatuor temporibus ritè in Presbyterum ordinandus: ſuſcipienſque renunciet cæteris Beneficiis curam Animarum habentibus, & juret ſe in Vicariatu corporalem reſidentiam continuè facturum; alioquin ejus Inſtitutio erit nulla.

Si quis autem non Sacerdos jam inſtitutus eſt, ſuſcipiat Sacerdotium intra annum; aut ſi per eum ſteterit quo minus ſuſceperit, privetur Vicariâ: ſuſcipiens verò renunciet, & juret, ut jam Inſtituendus.

Otho. Edit. Oxon. p. 24.

None ſhall be admitted to a Vicarage, but Presbyters, *&c.* —who ſhall take an Oath of Reſidence;

AD Vicariam Statuimus nullum de cætero fore admittendum, niſi jam in Preſbyterum ordinatum, vel ſaltem Diaconum, in proximis quatuor temporibus ritè [d]ordinandum, qui renuncians aliis Beneficiis, ſi quæ habeat Curam Animarum habentia, juret ibi reſidentiam facere, ac eam faciat continuè corporalem: alioquin Inſtitutionem ipſius decernimus fore nullam, & Vicariam alii fore conferendam: Sicque illudatur illi dolo, quo ſæpe, aſſignato alicui nomine Perſonatûs aliquo modico, ſimulatè [e]dabatur alii Eccleſia ficto nomine Vicariæ; qui [f]timens alia perdere Beneficia, metuebat eam recipere ut [g]Perſona.

—and all Vicars, already Inſtituted, ſhall enter into Prieſts Orders, within a year.

De jam verò inſtitutis Vicariis, qui non ſunt Preſbyteri, (cum Vicarii teneantur in propriis perſonis Eccleſiis deſervire) ſtatuendo Præcipimus, ut infra annum ad minus ſe faciant in Preſbyteros ordinari: alioquin ſi per eos ſteterit, quo minus ſcilicet infra annum (ut diximus) ordinentur, eos extunc fore Vicariis eiſdem Decernimus eſſe privatos; & de reſidentia circa eos ſtatuimus, quod de [h]inſtituendis ſuprà diximus ſtatuendum.

A.D 1268.
52 *H.* 3.

O T H O B O N.

Summarium.

Quicunque contra Statutum Othonis, *aut non Sacerdos, aut non Reſidens in loco Vicariæ, fructus collegerit, reſtituat eorum medietatem Eccleſiæ illi, & reliquæ medietatis partem unam pauperibus dictæ Eccleſiæ, & reliquam Archidiacono loci; qui diligenter ſuper hoc quotannis faciat inquiſitionem, & Vicariam contrafacientis vacare ſtatim denunciet Prælato, de eodem Officio ſuo ſub pœna Suſpenſionis à Collatione, functuro. Contra prædicta autem rebellans per menſem, ſit aliis Beneficiis (ſi qua habet) privatus, & ad eandem Vicariam perpetuò, & ad cætera Beneficia per triennium, inhabilis. Quæ omnia tam de præteritis quam de futuris intelligentur. Et ſi Archidiaconus injuncta ſibi in hac re neglexerit, uſque ad ſatisfactionem ab ipſa parte privetur, & ab ingreſſu Eccleſiæ ſit ſuſpenſus.*

Othob. Edit. Oxon. p. 95.
† Clavis, MS.

Prieſts, being the keepers of the keys of Salvation, ought to be always at hand.

SAcrorum Canonum diſpenſatio, quaſi clavis ad aperiendum varias portas ſalutis & gratiæ ſpiritualis, hominibus eſt conceſſa, quam habere neceſſarium eſt, ut † clauſis aperiat, qui curam obtinet animarum: qui etiam clavem geſtat, extra manſionem vagari non debet, ut paratus ſit in ſtatione continua vocantibus, & non vocantes ſuis exhortationibus, quaſi paſtor ſollicitus, ad ſe trahat.

Recital of the foregoing Conſtitution of *Otho*;

Hæc licèt antiqua Sanctorum Patrum decrevit auctoritas, quia tamen ab iis qui temporalem fructum plus diligunt quàm æternum, invenitur temerè non ſervatum, prædictus Legatus circa utrumque providens Statuit, inter alia, nullum ad Vicariam de cætero admittendum, niſi jam in Preſbyterum ordinatum, vel ſaltem Diaconum proximis temporibus ordinandum; qui renuncians aliis Beneficiis, ſiqua habet curam animarum habentia, juret ibi reſidentiam facere corporalem, alioquin Inſtitutionem illius nullam fore decrevit, & Vicariam alii fore conferendam. De his autem qui tunc jam fuerint Inſtituti, non tamen in Preſbyteros ordinati, Statuit & Præcepit, ut extunc infra annum ad minus ſe facerent in Preſbyteros ordinari, alioquin extunc ipſos privatos Vicariis fore decrevit, & Vicariam alii fore conferendam: Idem quod de Reſidentia circa Inſtituendos præceptum erat, etiam ſtatuens circa ipſos.

* Opportuna diſtrictione, MS.

—and decreed, that every Vicar offending againſt it, ſhall forfeit the whole Profits,

Nos autem contra hoc agentium compeſcere malitiam, noſtrâ quoque * optimâ diſcretione volentes, adjiciendo Statuimus, ut ſi quis de cætero contra hoc ſtatutum Vicariam detinuerit, fructus ſuos non faciat ſic perceptos, ſed ipſos reſtituere teneatur; & ipſorum medietas Eccleſiæ cujus eſt Vicaria, tradatur, in utilitatem ipſius modis omnibus convertenda; medietatis verò alterius pars una in pauperes illius Parochiæ expendatur, & altera

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[d] Ordinandum.] i. e. *In Presbyterum.* J. de Athon.

[e] Dabatur alii.] *Cùm tamen ipſe alius retineret alia priora Beneficia Curata; unde per Admiſſionem iſtius Eccleſiæ ultimæ, ſi eam acciperet ut Perſona vel Rector, benè perpendebat priora Beneficia vacare debere per Concilium* [*id eſt*, Lateran. *ſub Alex.* 3. c. 13.] *Extra de Præbend.* De multâ. J. de Athon.

[f] Timens.] *Propter dictum Concilium.* J. de Athon.

[g] Perſona.] i. e. *Rector; & ita loquitur ſecundùm vulgare* Anglicorum. J. de Athon.

[h] Inſtituendis.] *Scil. Vicariis in futurum.* J. de Athon.

Reſidence of Vicars.

—and that the Archdeacon ſhall enquire of Vicarages unduly held, —and the Biſhop upon notice, ſhall be bound to Inſtitute others into them;

loci [i] Archidiacono applicetur. Ipſe vero Archidiaconus ſuper his, annis ſingulis inquiſitionem faciat diligentem, ſuâque operâ & ſollicitudine ſtatutum hoc faciat firmiter obſervari. Qui etiam ſi aliquem contra præmiſſa Vicariam compererit retinere, Prælato, ad quem ipſius Collatio vel Inſtitutio pertinet, Vicariam ipſam vacare ſine mora denunciet, ut idem circa illud exequatur, quod officii ſui viderit intereſſe: qui etiam nec aliter inſtituat, nec poſt denunciationem ſibi hujuſmodi factam, vel poſtquam ad ejus notitiam pervenerit, Inſtitutionem Vicariæ differre præſumat: Quòd ſi contra fecerit, à Collatione, Inſtitutione, ſeu Præſentatione Beneficiorum quorumlibet, (quiſquis fuerit) donec ea quæ ſtatuta ſunt exequatur, noverit ſe ſuſpenſum.

—againſt whom the Incumbent ſhall not keep Poſſeſſion,

Ad hæc, ut omnes malitiæ conatus diligenti reprimantur induſtriâ, Statuimus, ut contra præmiſſa ſiquis Vicariam retinere contenderit, per menſem in ſua rebellione perſiſtens, præter pœnas ſuperiùs impoſitas, aliis Beneficiis (ſi qua habet) ipſo facto ſit privatus: necnon ad Vicariam (cui ſic moleſtus incubuit) perpetuò, & ad cætera Beneficia, quibus vitioſo & adulterino contagio ſe reddidit indignum, per triennium ſit inhabilis obtinenda.

—nor ſhall the Archdeacon neglect his duty herein.

Quæ omnia non ſolùm ad futura porrigimus, verùm etiam ad præterita referri Volumus, & in eis efficaciter Statuimus & Præcipimus obſervari. Archidiaconus verò, ſi ea quæ ſuperiùs ſunt injuncta neglexerit, præter indignationem Omnipotentis Dei quam incurrit, ab ipſa parte ſibi applicanda privetur, & ab ingreſſu Eccleſiæ, præſentis Statuti auctoritate (quouſque præmiſſa fecerit) ſit ſuſpenſus.

[i] Archidiacono.] *Hoc plus excitabit, & ardentiùs exaſperabit ipſum, ad inquirendum ſuper malitiâ præfatâ.* J. de Athon.

CAP. III.

Curates *of* Non-Resident *Incumbents.*

CANONS 1603.

1 Jac. 1.

In Can. xli. Entituled, *Licences for Plurality of Benefices, limited,* &c.

Curates of Non-reſident Incumbents.

Every Pluraliſt ſhall have a Reſident Curate.

——PRovided always, ——that he hath under him, in the Benefice where he doth not Reſide, a Preacher lawfully allowed, that is able ſufficiently to teach and inſtruct the People.

CANONS 1603.

1 Jac. 1.

xlvii. *Abſence of Beneficed men to be ſupplied by Curates that are allowed Preachers.*

The Benefice of a Non-reſident ſhall be ſupplied by a Curate; —and one of the Benefices of a Pluraliſt, by a Preacher Licenſed.

EVery Beneficed man Licenſed by the Laws of this Realm, upon urgent Occaſions of other Service, not to reſide upon his Benefice, ſhall cauſe his Cure to be ſupplied by a Curate that is a ſufficient and Licenſed Preacher, if the worth of the Benefice will bear it. But whoſoever hath two Benefices ſhall [k] maintain a Preacher Licenſed in the Benefice where he doth not Reſide, [l] except he Preach himſelf at both of them uſually.

[k] **Maintain.**] The Faculty of Diſpenſation of Plurality, having made Proviſion for a Reſiding Curate, adds, *Eidemque Miniſtro* competens ſufficienſque Salarium *à loci illius Epiſcopo, ſuâ ſanâ diſcretione, vel à nobis aut Succeſſoribus noſtris (caſu quo Diœceſanus huic Officio minimè ſatisfecerit,) limitand' & aſſignand', bonâ fide præſtetur & perſolvatur.*

18 Eliz. 16 Car. 1.

Divers Bills have been brought into Parliament, for the *better maintenance* of Curates, one, particularly, was ſent from the Houſe of Commons to the Houſe of Lords, *July,* 26. 1661. with this Title, *An Act for competent Allowance to be made to ſuch Curates, as ſhall officiate in Livings, where the proper Incumbent doth not reſide.* But the Rule of ſuch Allowance being the *real value* of the Benefice and the Labour of the Cure thus held by Diſpenſation; and theſe being attended with ſo much *uncertainty,* beſides other accidental Conſiderations that are proper to be regarded; the ſaid Attempts (for the Reaſons here mentioned, as we may well imagin) proved *ineffectual,* and it now remains (where the Common Law of the Church, and the tenor of the Diſpenſation, have lodged it) in the Power and Diſcretion of the Biſhop; *Hoc Salarium* (ſaith *Lyndwood) debet limitari per ipſum Judicem, non ex Conventione fiendâ inter partes, ſed ex ipſius Judicis Officio.* And it is without doubt, a matter that on many accounts is *worthy* the Epiſcopal Care and Inſpection.

Lyndw. De Cel. Miſſ. c. *Effræn.* v. *Conſt.*

[l] **Except.**] The proper *ground* of this Exception is laid down in that branch of the Diſpenſation, which requires a reſident Curate, with this Limitation; *Modò Facultates Eccleſiæ talem commodè ſuſtinere poſſint;* and in the laſt Article of the 48th Canon, where it is ordered, that none ſhall ſerve more than one Church or Chapel in one Day, —— *Unleſs the ſaid Church or Chapel, where ſuch a Miniſter ſhall ſerve in two places, be not able, in the judgment of the Biſhop or Ordinary, to maintain a Curate.*

Curates of Non-reſident Incumbents.

1 Jac. 1.

CANONS 1603.

In Can. LXIX. Entit. *Miniſters not to defer Chriſtening, if the Child be in danger.*

—— Provided, that where there is a Curate or a Subſtitute, this Conſtitution ſhall not extend to the Parſon or Vicar himſelf, but to the Curate or Subſtitute preſent.

Curate, neglecting to Chriſten, ſhall be puniſhable.

1 Jac. 1.

CANONS 1603.

lxxviii. *Curates deſirous to Teach, to be Licenſed before others.*

IN what Pariſh-Church or Chapel ſoever there is a Curate, which is a Maſter of Arts, or Batchelor of Arts, or is otherwiſe well able to Teach Youth, and will willingly ſo do, for the better increaſe of his Living, and training up of Children in Principles of true Religion: We will and ordain, That a Licence to Teach the Youth of the Pariſh where he ſerveth, be granted to none by the Ordinary of that Place, but only to the ſaid Curate. Provided always, That this Conſtitution ſhall not extend to any Pariſh or Chapel in the Countrey Towns, where there is a publick School founded already: In which caſe we think it not meet to allow any to teach Grammar, but only him that is allowed for the ſaid publick School.

If the Curate deſire to teach School, a Licence ſhall be granted to no other,

—and He ſhall have no Licence where there is a Grammar-School.

A.D 1701.

13 Eliz. Cap. 20.

In an Act, Entituled, *An Act touching Leaſes of Benefices, and other Eccleſiaſtical Livings with Cure.*

§. II. Provided, That every Parſon, by the Laws of this Realm allowed to have two Benefices, may demiſe the one of them, upon which he ſhall not then be moſt ordinarily reſident, to his Curate only, that ſhall there ſerve the Cure for him: but ſuch Leaſe ſhall endure no longer than during ſuch Curates Reſidence, without Abſence above forty days in any one year.

One Benefice, where there is a Plurality, may be demiſed to the Curate.

CAP. IV.

LICENCES, *and* QUALIFICATIONS *of Curates.*

A.D. 1322.
16 *Edw.* 2.

WALTERUS.

Externi atque ignoti, ſine Ordinariorum ſuorum literis commendatitiis vel dimiſſoriis, non admittantur ad Ordinis executionem, ſine ſufficienti diſpenſatione, atque de Ordinatione eorum habitâ approbatione, & per Epiſcopum admiſſione.

Licences, and Qualifications of Curates.

Lyndw. Edit. Oxon. p. 47.

CUM quanta, & *infrà.* Ordinati in *Hibernia*, *Wallia* ſeu *Scotia*, vel alibi, ſine Literis Ordinariorum ſuorum Commendatitiis vel Dimiſſoriis non admitantur [m] à quocunque infra Provinciam noſtram ad Ordinis ſic ſuſcepti executionem, niſi magna [n] neceſſitas inducat: & tunc, quòd cum eis auctoritate ſufficienti fuerit diſpenſatum ſuper executione Ordinis memorati, vel aliàs à ſuis Ordinariis Ordo ſic ſuſceptus ratificetur. Proviſo nihilominùs, quod nullo modo admittantur, niſi priùs conſtiterit de eorum legitima Ordinatione, vitæ munditia, pariter & literatura. Item præcipimus, ne Sacerdotes ignoti, de quorum Ordinatione non conſtat, ad Divinorum celebrationem deſerviendo Eccleſiis admittantur; niſi de licentia Epiſcopi Diœceſani, cùm per literas Teſtimoniales, vel Teſtimonium bonorum virorum, eis de eorum verè conſtiterit Ordinatione, & ſufficienter fuerit facta fides.

Great caution ſhall be uſed in admitting Strangers to Officiate.

—and none ſhall be admitted, without ſhewing Orders, Licence, &c.

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[m] A quocunque.] *Scil. Curato vel non Curato, ad quem pertinet tales in ſuâ Eccleſiâ, vel in loco cui præeſt, admittere.* Lyndw.

[n] Neceſſitas.] *Utputà, Defectus Miniſtrorum.* Lyndw.

A.D. 1408.
10 *H.* 4.

THOMAS ARUNDEL.

Nullus alterius Diœceſeos Capellanus ad Celebrationem admittatur, ſine Diœceſani ſui Literis, aut alterius Epiſcopi, dummodo de ejus fide & moribus bona ſit Exiſtimatio.

No Curate ſhall be received, in another Dioceſs, without Orders, and Teſtimonials,

—eſpecially, as to Morals, and Orthodoxy.

Lyndw. Edit. Oxon. p. 48.

Reverendiſſimæ Synodo, & *infra.* Nullus Capellanus admittatur ad celebrandum in aliqua Diœceſi noſtræ *Cantuarienſis* Provinciæ, in qua oriundus ſive ordinatus non fuerit, niſi deferat ſecum Literas Ordinum ſuorum, atque literas commendatitias Diœceſani ſui; & nihilominus aliorum Epiſcoporum, in quorum Diœceſibus interim per magnum tempus converſatus eſt; in quibus expreſsè caveri volumus & mandamus de moribus & converſatione ejuſdem; & an ſit diffamatus de & ſuper aliquibus novis opinionibus in fide Catholica aut bonis moribus malè ſapientibus; vel ſit de eiſdem omnino immunis. Alioquin tam ipſe celebrans, quàm ipſum ſic celebrare permittens, acriter puniatur.

A.D. 1342.
17 *Edw.* 3.

JOHANNES PECCHAM.

Pro Sacerdotum celebraturorum Regiſtratione, unicus exigatur Denarius; plures autem exigens, ab Officio aut ingreſſu Eccleſiæ ſuſpendatur, donec duplum rependerit.

The Fee of regiſtring a Curate, is 1 *d.*

—and none ſhall take more, upon pain of Suſpenſion.

Lyndw. Edit. Oxon. p. 225.

a MS. *Æton.* recipere.

Item licet quis purgari, & *infra.* Illum Archidiaconorum, & ſuorum Officialium, aliorumque Ordinariorum deteſtantes abuſum, quo à Sacerdotibus in ſuis Juriſdictionibus celebraturis Divina, priuſquam id faciant, certam & exceſſivam quantitatem pecuniæ exigunt; liberalitatem, qua Sacerdotes hujuſmodi Clericos ſua nomina inſerentes in Matriculis de uno Denario ſolebant *a* reſpicere, in exactionem cenſualem vi. den. vel circiter, illicitè convertentes: Statuimus, quod de cætero à dictis Sacerdotibus ultra Denarium unicum, pro quo ipſorum nomina regiſtrentur in * primis admiſſionibus eorum ad celebrandum Divina, dicti Archidiaconi, & cæteri Ordinarii, aut quivis eorum Miniſtri, recipere non audeant quoviſmodo; ſub pœna Suſpenſionis à † celebratione Divinorum, & ‡ ingreſſu Eccleſiæ, quam contrafacientes incurrant, quouſque duplum receptorum hujuſmodi fabricæ Eccleſiæ Cathedralis locorum perſolvant.

* Primis Admiſſionibus.] *Videtur loqui de talibus Sacerdotibus, qui de novo veniunt ad aliquem Archidiaconatum, qui non poſſunt publicè in aliquâ Eccleſiâ ibidem celebrare, niſi priùs conſtet de eorum Ordinibus, & quòd habeant Literas Commendatitias, & quòd ſic ad Celebrandum ſint Admiſſi.* Lyndw.

† Celebratione Divinorum.] *Hoc referas ad eos qui ſunt in Ordinibus Eccleſiaſticis, ſaltem Sacris, conſtituti; qualis eſt Archidiaconus, qui debet eſſe Diaconus.* Lyndw.

‡ Ingreſſu Eccleſiæ.] *Hoc referas ad eos, qui non ſunt Ordinati; vel ſaltem ſunt in minoribus conſtituti.* Lyndw.

1 Jac. 1.

CANONS 1603.

xlviii. *None to be Curates but allowed by the Biſhop.*

Curates ſhall not ſerve, till Licenſed by the Biſhop,

—nor (if they remove) without Teſtimonials from the Biſhop.

None ſhall ſerve more than one Church, unleſs there be a Chapel of Eaſe, or the Revenue ſmall.

o No Curate or Miniſter ſhall be permitted to ſerve in any Place, without Examination and Admiſſion of the Biſhop of the Dioceſs, or Ordinary of the Place having Epiſcopal Juriſdiction, in Writing under his Hand and Seal, having reſpect to the greatneſs of the Cure, and meetneſs of the Party. And the ſaid Curates and Miniſters, if they remove from one Dioceſs to another, ſhall not be by any means admitted to ſerve without *oo* Teſtimony of the Biſhop of the Dioceſs, or Ordinary of the Place as aforeſaid, whence they came, in Writing, of their Honeſty, Ability, and Conformity to the Eccleſiaſtical Laws of the Church of * *England.* Nor any ſhall ſerve more than one Church or Chapel upon one day: Except that Chapel be a Member of the Pariſh Church, or united thereunto: and unleſs the ſaid Church or Chapel where ſuch a Miniſter ſhall ſerve in two places, be not able, in the Judgment of the Biſhop or Ordinary as aforeſaid, to maintain a † Curate.

Coll. Can. p. 125.

o No Curate.] The firſt part of this Canon, to the word *Ability* incluſive, was one of the Articles in the year 1584.

Diſt. 71. c. 7.

oo Teſtimony.] In the Canon-Law, are many wholſom Rules to this purpoſe: *Extraneo Clerico, & Lectori, extra civitatem ſuam, ſine commendatitiis literis proprii Epiſcopi, nuſquam penitùs liceat miniſtrare.*

Ibid. c. 8.

Hortamur Chriſtianitatem veſtram, juxta ſanctorum canonum inſtituta, ut in Eccleſiis à vobis fundatis, aliunde veniens Preſbyter non ſuſcipiatur, niſi à veſtræ fuerit Eccleſiæ conſecratus Epiſcopo, aut ab eo per commendatitias literas ſuſcipiatur.

Ibid. c. 9.

Nullum abſque formata, quam Græci epiſtolam dicunt, peregrinorum Clericorum ſuſcipi oportet.

Cauſ. 21. q. 2. c. 1.

Quoniam diverſarum Eccleſiarum Clerici ſuas, in quibus ordinati ſunt, Eccleſias relinquentes, ad alios concurrunt Epiſcopos, & ignorante Epiſcopo proprio in alienis conſtituuntur Eccleſiis, ubi contingit eos ſine ſui examinatione permanere: præcipimus amodò, ut nullus Clericorum omninò in quocunque gradu ſit, licentiam habeat ſine dimiſſoriis literis ſui Epiſcopi in altera conſtitui Eccleſia. Qui verò hoc amodò non obſervaverit, ad opprobrium ejus, qui ordinaverit eum, deponatur tam ipſe, quàm qui eum ſine ratione ſuſceperit.

Extra. l. 3. t. 4. c. 5.

* England.] *Literæ Commendatitiæ ſive Dimiſſoriæ dicuntur, quibus dimittitur & abſolvitur à poteſtate ſui Epiſcopi; in quibus perhibetur teſtimonium de vitâ & Ordinibus illius.*

2 Salk. 506.

† Curate.] *Ann.* 10 *W.* 3. In the Caſe of *Wood* and *Birch*; *Wood* pretending to be a Curate in a Chapel of Eaſe in the Pariſh of *Preſton*, ſued the Vicar of the Pariſh in the Spiritual Court, for the Arrears of a Penſion claimed by Preſcription; and a Prohibition was granted *Niſi cauſa*; for that the Curate was removable at the * Will of the Parſon; and ſo cannot preſcribe, but his Remedy muſt be by *quantum meruit.*

* This, true of an *Aſſiſtant,* to a reſident Rector or Vicar; but not of a Curate properly ſpeaking, who has the *Curam Animarum* committed to him *pro tempore* by the Biſhop, in the Abſence of the Incumbent.

CANONS

Licences and Qualifications of Curates.

1 Jac. 1.

CANONS 1603.

In Can. xxxvi. Entituled, *Subſcription required of ſuch as are to be made Miniſters.*

NO Perſon ſhall hereafter be — ſuffered to Preach, to Catechiſe, or to be a Lecturer, in any — Pariſh Church, Chappel, or in any other place within this Realm, except he be Licenſed either by the Archbiſhop, or by the Biſhop of the Dioceſs (where he is to be placed) under their Hands and Seals, or by one of the two Univerſities under their Seal likewiſe; and except he ſhall firſt Subſcribe to theſe three Articles following, in ſuch manner and ſort as we have here appointed. — †

None ſhall be ſuffered to Preach in any Church, till he is Licenſed, — and hath ſubſcribed to the three Articles.

† See the Articles, and form of ſubſcribing, pag. 148.

xxxvii. *Subſcription before the Dioceſan.*

NONE Licenſed, as is aforeſaid, to Preach, Read Lecture, or Catechiſe, coming to Reſide in any Dioceſe, ſhall be permitted there to Preach, Read Lecture, Catechiſe, or Miniſter the Sacraments, or to execute any other Eccleſiaſtical Function (by what Authority ſoever he be thereunto Admitted) unleſs he firſt Conſent and Subſcribe to the three Articles before mentioned, in the preſence of the Biſhop of the Dioceſs, wherein he is to Preach, Read Lecture, Catechiſe, or adminiſter the Sacraments as aforeſaid.

Qualifications for ſerving of a Cure, in one Dioceſs, — ſhall be renewed, before the Curate officiates in another.

The *Declaration* is alſo to be Subſcribed by *Curates*, Vid. p. 809.

A.D 1713.

12 Annæ, Cap. 12.

An Act for the better Maintenance of Curates within the Church of England, *and for Preventing any Eccleſiaſtical Perſons from Buying the next Avoidance of any Church-Preferment.*

WHereas the Abſence of Beneficed Miniſters ought to be Supplied by Curates that are Sufficient and Licenſed Preachers, and no Curates or Miniſters ought to ſerve in any Place without the Examination and Admiſſion of the Biſhop of the Dioceſe, or Ordinary of the Place, having Epiſcopal Juriſdiction: But nevertheleſs, for want of ſufficient Maintenance and Encouragement for ſuch Curates, the Cures within that Part of Great Britain called England, have been in ſeveral Places meanly Supplied: For Remedy whereof, Be it Enacted by the Queens moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That if any Rector or Vicar having Cure of Souls, ſhall from and after the Nine and twentieth Day of September, in the Year of our Lord, One thouſand ſeven hundred and fourteen, Nominate and Preſent any Curate to the Biſhop or Ordinary, to be Licenſed or Admitted to Serve the Cure of ſuch Rector or Vicar in his Abſence, the ſaid Biſhop or Ordinary, having regard to the greatneſs of the Cure, and the value of the Eccleſiaſtical Benefices of ſuch Rector or Vicar, ſhall, on or before the Granting ſuch Licence, Appoint, by Writing under his Hand and Seal, a ſufficient certain Stipend or Allowance, not exceeding Fifty Pounds per Annum, nor leſs than Twenty Pounds per Annum, to be Paid or Anſwered, at ſuch times as he ſhall think fit, by ſuch Rector or Vicar, to ſuch Curate, for his Support and Maintenance; And if it ſhall appear to the Biſhop or Ordinary, upon Complaint or otherwiſe, That any Curate of ſuch Rector or Vicar Licenſed or Admitted before the ſaid Nine and twentieth Day of September, in the Year of our Lord, One thouſand ſeven hundred and fourteen, hath not a ſufficient Maintenance, It ſhall be Lawful to and for the ſaid Biſhop or Ordinary to Appoint him a certain Stipend or Allowance, in like manner as before mentioned; and in Caſe any difference ſhall ariſe between any Rector or Vicar, and his Curate, touching ſuch Stipend or Allowance, or the Payment thereof, the Biſhop or Ordinary, on Complaint to him made, ſhall Summarily Hear and Determine the ſame, and in Caſe of Neglect or Refuſal to Pay ſuch Stipend or Allowance, may Sequeſter the Profits of ſuch Benefice, for or until Payment thereof.

Neceſſity of Curates in the Abſence of Incumbents, — whoſe narrow Allowance makes Benefices to be meanly ſupplied. Enacted,

— That when any Incumbent preſents a Curate to the Ordinary,

— the Ordinary, before granting of a Licence, ſhall appoint him a Salary;

— and if it ſhall appear, that any Curate already Licenſed, hath not a ſufficient Maintenance, the Ordinary may augment it; — and ſhall determine all Diſputes between Incumbents and Curates.

CAP. V.

Curates, or ASSISTANTS *to* RESIDENT *Incumbents.*

STEPHANUS.

A.D. 1222. 6 *H.* 3.

In ſingulis Parochiis magnis, duo vel plures ſint Preſbyteri, juxta Parochianorum numerum & Eccleſiæ facultatem, ut rite miniſtrentur Sacramenta.

In all large Pariſhes, there ſhall be 2 or 3 Prieſts, — that in caſe of Sickneſs, Divine Offices may not be omitted.

Curates, and Aſſiſtants to Reſident Incumbents.

Lyndw. Edit. Oxon. p. 184.

AD inſtar Patrisfamiliâs Evangelici, plures Operarios in vineam ſuam mittentis, ut quod unus non valeat explere, ſaltem ſollicitudo perficeret plurimorum: Sententialiter diffinimus, ut in ſingulis Parochialibus Eccleſiis, quarum eſt Parochia [p] diffuſa, duo ſint vel [q] tres Preſbyteri, penſatâ pariter magnitudine Parochiæ & Eccleſiæ facultate; ne fortè (quod abſit) ægrotante uno Preſbytero vel debilitato, Parochianis infirmantibus, aut divinis officiis volentibus intereſſe, Officia Divina ſubtrahantur, vel negentur Sacramenta Eccleſiaſtica.

[p] Diffuſa.] *i. e. Ampla.* Lyndw.

[q] Tres Presbyteri.] *Quorum unus debet Intitulari, alii verò erunt ut Vicarii Temporales.* Lyndw.

Lyndw. de Cel. Maſſ. c. *Effræn.* v. *Curis.*

De his Vicariis Temporalibus, itâ alibi. —— *Licèt quis ſuper regimen Curæ ſuæ reſideat perſonaliter, poteſt tamen* ad tempus, *propter caſus ſupervenientes,* aſſumere ſibi *Socium Coadjutorem, cui poteſt conſtituere Salarium unde vivat. Et hoc multoties expedit, tum propter amplitudinem Parochiæ, tum propter infirmitatem ipſius principalis Curati, tum propter inſufficientiam in miniſtrando Sacramenta, & alia facienda quæ ſpectant ad ejus Officium.*

In Conſt *Othonis,* de *Inſt. Vic.* v. *ad Vicar.* Ibid. v. *In propr. perſ.*

Et J. de Athon: *Quidam ſunt Vicarii* mercenarii, *& ſic Convicarii Rectorum, qui ad tempus aſſumuntur temporales,* ad placitum Rectorum, *& ſine* licentiâ *Epiſcopi.* —— Et, *Nec nego hujuſmodi Vicariis Adjutores mercenarios, qui eos temporaliter in Miſſis celebrandis, & Sacramentis miniſtrandis juvent*; & ſine licentiâ Epiſcopi, *ex ſolo* placito *eorum.*

EDMUNDUS.

A.D. 1236. 21 *Edw.* 3.

In Conſt. *Monemus Rectores,* &c.

Curates ſhall not be removed without good cauſe.

Lyndw. Edit. Oxon. p. 310.

MOnemus Rectores Eccleſiarum, ne Capellanos annuos ſine cauſa rationabili ſtudeant [r] amovere, maximè ſi honeſtæ fuerint Converſationis, & laudabile de ſua Converſatione habeant Teſtimonium. ——

[r] Amovere.] *Hic habes, quòd Rector Eccleſiæ poteſt ex cauſâ amovere Presbyterum non Beneficiatum in Eccleſiâ ſuâ, ne contra voluntatem ſuam celebret in eâdem.* Lyndw.

ROBERTUS WINCHELSEA.

A.D. 1305. 33 *Edw.* 1.

Capellani & Vicarii celebrare volentes, juramentum comparendi ad horas ſolenniter canendas, & obedientiæ ſuperioribus ſervandæ, præſtent.

Curates ſhall Swear, diligently, to attend Divine Service, — and to be juſt, and obedient to the Incumbents.

Lyndw. Edit. Oxon. p. 69.

PReſbyteri, & *infrà.* [s] Capellanis ad celebrandum in [t] quacunque Eccleſia noſtræ Provinciæ receptis, debet injungi in virtute obedientiæ, ut ſint præſentes diebus Dominicis & Feſtivis, ac aliis, quando & ubi Matutinæ Miſſæ & [u] aliæ horæ [w] cum notâ dicuntur, canentes, legentes & pſalmodizantes. Super quibus ab eis in ipſorum receptione, juramentum recipi volumus & præſtari. Item Preſbyteros hujuſmodi juramento volumus aſtringi, quod Rectoribus, vel Vicariis, & [x] Præſidentibus Eccleſiarum ſeu [y] Capellarum, in quibus celebraverint, [z] non detrahent; ſed quòd eis humiliter parebunt, & debitam reverentiam facient & impendent.

[s] Capellanis.] *Sive ſint Parochiales, ſive Cantarias habentes, aut Annalia pro vivis vel defunctis celebrantes.* Lyndw.

[t] Quacunque Eccleſia.] *Sive Metropolitanâ, Cathedrali, Collegiatâ, Conventuali, aut Parochiali; & idem intelligo, ſi ſit Capella.* Lyndw.

[u] Aliæ Horæ.] *Scil. Prima, tertia, ſexta, nona, Veſperæ, & Completorium.* Lyndw.

[w] Cum notâ.] i. e. *Cantu, qui ſit per notas.* Lyndw.

[x] Præſidentibns.] *Talibus, videlicet, qui nec dicuntur Rectores, nec Vicarii; utputà Decani, Præpoſiti, Magiſtri, Cuſtodes, Guardiani, Plebani, Archipreſbyteri, & alii conſimiles.*

[y] Capellarum.] *Potes intelligere de Capellis, quæ ex gratiâ, & non ex debito habentur, in quibus Capellani celebrantes præſtabunt Obedientiam,* &c. *Poteſt etiam intelligi iſtud de Capellâ, prout eſt pars ſive membrum Matricis Eccleſiæ, vel ab eâ dependens, vel eidem annexa.* Lyndw.

[z] Non detrahent.] *Neque Verbo, neque Facto.* Lyndw.

Curates, or Aſſiſtants to Reſident Incumbents.

ROBERTUS WINCHELSEA.

Sacerdos ſtipendiarius, aut de ſuo vivens, non uſurpet in diſtributionibus Jus Rectoris, ſub Excommunicationis pœna. Interſit autem intra Cancellos Divinis Officiis Superpellicio indutus, & coadjuvans; nec celebret diebus feſtivis, aut præſente defuncto, niſi poſt Evangelium majoris Miſſæ.

Lyndw. Edit. Oxon. p. 237.

PReſbyteri [a] ſtipendiarii, necnon alii Sacerdotes, [b] propriis ſumptibus vel per alios [c] ſuſtentati, Divina celebrantes in Provincia noſtra, [d] non recipiant, Oblationes, Portiones, Obventiones, [e] Denarios pro Requeſtis, Trigintalia, vel aliquam certam quotam, præſertim Oblationes pro [f] corporibus mortuorum præſentibus, non obtentâ licentiâ à Rectoribus, vel Vicariis Eccleſiarum, in quibus celebraverint, nec ea ullo modo aſportent in præjudicium Rectorum, vel Vicariorum Eccleſiarum prædictarum, vel eorum vices gerentium, nè ſententiam majoris Excommunicationis in hac parte latam incurrant. Decernimus etiam, ut Preſbyteri hujuſmodi infra noſtram Provinciam celebrantes, interſint in Cancello in Matutinis, Veſperis, & aliis Divinis Officiis, debitis horis, induti Superpelliciis, quæ ſibi propriis expenſis providebunt, & non in navi Eccleſiæ, cœmeteriis, vel campis. Et ſi ſuper his [g] per Præſidentes correpti fuerint, non ſe reddant elatos, nec erigant cervices contra eos, nec propter hoc excitent aliquos qui eos foveant & protegant. Et ad intereſſendum prædictis horis, debet eis injungi in virtute Obedientiæ, quòd ſint præſentes, legentes, canentes, & pſalmodizantes. Dicti verò Preſbyteri diebus Dominicis & Feſtivis, vel ſi corpus alicujus Defuncti affuerit, [h] Miſſas ſuas poſt lectum Evangelium [i] majoris Miſſæ incipiant & compleant; ſed non prius, niſi de licentia Rectoris, Vicarii, vel Præſidentis, petitâ & obtentâ.

Stipendiary Prieſts ſhall not receive dues of Incumbents,
—upon pain of the Greater Excommunication;

—and they ſhall Officiate in Chancel,

—and, being reproved, ſhall ſubmit, without diſturbance,

—and begin Maſs on Sundays, &c. when the Incumbent ſhall direct.

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[a] Stipendiarii.] *Hi ſcil. qui de aliorum Stipendiis vivunt, & nullum certum Titulum in Eccleſiâ, ubi celebrant, habent.* Lyndw.

[b] Propriis Sumptibus.] *Quia Beneficium ſeu Patrimonium habent, unde vivunt; vel aliàs nullum habentes Stipendium, neque aliquid ſuprà dictorum, ſed vivunt ex ſuo labore honeſto.*

[c] Suſtentati.] *Utputà per aliquos Dominos ſeu Magnates, quorum obſequiis inſiſtunt; non tamen ſic, ut aſſiduè in aliquâ Eccleſiâ deſerviant, ſed quia forſan per vices illuc adveniunt celebraturi.* Lyndw.

[d] Non recipiant.] *Scil. ad uſum ſuum proprium.* Lyndw.

Lyndw. p. 110.

[e] Denarios pro Requeſtis.] *Hi in Conſtitutione proximè ſequenti vocantur* Denarii Perquiſiti, *viz. qui in aliquibus partibus conſueverunt dari Curato pro habendis Memoriis Defunctorum; vel quia ex Devotione* perquiruntur *à Parochianis, præter & ultra Oblationes communes. Et poſſunt dici* Pro Requeſtis, *quia penès Curatum fiunt Requeſtæ, ut aliquo certo die ſpecialiter oret pro Animâ alicujus Defuncti.* Lyndw.

[f] Corporibus.] i. e. *Animabus Corporum præſentium. Fiunt enim tales Oblationes, ut Sacerdos celebrans, eorum Animas ſuis precibus ſpecialiùs habeat recommiſſas.* Lyndw.

[g] Per Præſidentes.] *Præſidens, eſt dictio generalis, comprehendens quemcunque ipſius Eccleſiæ Gubernatorem, quocunque nomine cenſeatur, dummodo ſibi immineat Cura Animarum.* Lyndw.

[h] Miſſas ſuas.] *Scil. privatas.* Lyndw.

[i] Majoris Miſſæ.] *Quæ celebrari debet Horâ tertiâ. Et in diebus Dominicis & Feſtivis debet audiri completè per quemlibet de populo; ita quòd in fine accipiat Sacerdotis Benedictionem.* Lyndw.

ROBERTUS WINCHELSEA.

Capellani Stipendiarii in Parochiali Eccleſia celebraturi, præſtent ſuis Superioribus fidelitatis tenendæ, & inter commiſſos concordiæ quatenus per eos fieri poterit ſervandæ, juramentum; neque prius celebrent. Perjurio autem convicti interdicantur Officio. Sed hæc Juramenta ſunt à Superioribus benignè ſuſcipienda.

Lyndw. Edit. Oxon. p. 110.

PReſbyteri ſtipendiarii, & *infrà*. Preſbyteri prædicti die Dominica vel Feſtiva poſt admiſſionem ſuam, jurabunt coram Rectoribus, Vicariis, vel eorum [k] vices gerentibus, intra [l] Miſſarum ſolennia, alioquin coram locorum Ordinariis, apertis coram ipſis Sacroſanctis & inſpectis, quòd Eccleſiis vel Capellis parochialibus, in quibus divina celebrant, earumque Rectoribus, vel Vicariis, ac ipſorum [m] loca tenentibus, vel eis [n] quorum intereſt, nullum omninò inferent damnum ſeu præjudicium circa Oblationes, Portiones, Obventiones, Denarios perquiſitos, [o] Tricennalia, ſeu Jura quæcunque quocunque nomine cenſeantur: Immò quatenus in eis eſt, eoſdem ſervabunt indemnes in præmiſſis & ſingulis præmiſſorum. Jurent etiam ſpecialiter dicti Sacerdotes, quòd odia, ſcandala, rixas, & contentiones inter Rectorem & Parochianos nullo modo ſuſcitabunt, ſuſtinebunt, aut aliquo modo fovebunt; ſed quatenus in eis eſt, concordiam nutrient & ſervabunt inter eoſdem. Volumus inſuper, ac firmiter injungendo mandamus, quatenus Preſbyteri ſupradicti Divina non præſumant in Eccleſiis ſeu Capellis hujuſmodi celebrare, priuſquàm præſtiterint ſub formâ prædicta Juramentum; ſi tamen Rectores, vel Vicarii, aut cæteri ſupra-

Stipendiary Prieſts ſhall take an Oath after Admiſſion,
—that they will not injure, but aſſiſt the Incumbent, in his Revenues,

—and that they will not promote diſcord, but Peace, between him and his Pariſhioners;
—which Oath ſhall be taken before they Officiate (if the In-

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[k] Vices gerentibus.] *Scil. Preſbyteris Parochialibus, aut Curatorum abſentium Procuratoribus.* Lyndw.

[l] Miſſarum Solennia.] *Sic, ut hoc fiat in conſpectu Populi, & ſub ejus teſtimonio.* Lyndw.

[m] Loca tenentibus.] *Videlicèt, Sacerdotibus Parochialibus, aut his quos in ſuâ abſentiâ ſuos deputaverint Procuratores vel Aſſignatos.* Lyndw.

[n] Quorum Intereſt.] *Utputà, Firmariis forſan, vel aliis perſonis, quæ in Obventionibus Eccleſiæ certam habent Portionem.* Lyndw.

[o] Tricennalia.] i. e. *Trigintalia: Solent namque aliqui facere celebrari triginta Miſſas ſecundùm certum Ordinem inſtitutum; ſolvuntque aliquod certum Celebranti pro ſuo labore. Vel dicuntur Tricennalia, ea ſcil. quæ obveniunt in ſolennitate diei triceſimi.* Lyndw.

cumbent require it,) —upon pain of Irregularity; —and whoever breaks it, ſhall be removed, and not Officiate in the Province, without Diſpenſation.

Curates, or Aſſiſtants to Reſident Incumbents.

dicti voluerint & petierint ſic jurari; decernentes, quòd ſi quivis Preſbyteri hujuſmodi contra prohibitionem hanc in loco ſic eis interdicto celebrare præſumpſerint, eo ipſo irregularitatem incurrant, præter alias pœnas, quas Canones ſacrarum Conſtitutionum Violatoribus ordinant infligendas. Quòd ſi prædicti Capellani ſic, ut præmittitur, jurati coram judice competente, ſuper violatione Juramenti hujuſmodi per probationes legitimas fuerint convicti, aut ſuper hoc diffamati ſe purgare nequiverint, omnino amoveantur; & tanquam perjuris interdicatur eis Divinorum celebratio in Provincia noſtra, donec cum eis ſuper hoc Canonicè fuerit diſpenſatum, *& infrà.* Dicti verò Rectores, vel Vicarii, ſeu eorum loca tenentes, debent benignè recipere Juramenta prædicta, & de præmiſſis ac aliis hac in parte ſtatutis, habebunt Copiam conſcriptam in Eccleſiis ſuis.

CAP. VI.

SALARIES *of* CURATES.

SIMON ISLEPE.

Non Beneficiati, & ad Curam Animarum idonei, ſi ad eam per Diœceſanum requiruntur, non detractent officiare ultra 20. *dies ſine legitimo impedimento, aut ſuſpendantur ab Officio.*

Non-Beneficed Chaplains, being required by the Biſhop, ſhall Officiate in Pariſh-Churches for moderate Salaries, —upon pain of Suſpenſion from Office.

Lyndw. Edit. Oxon. p. 238.

EFfrænata, *& infrà.* De Fratrum noſtrorum conſilio & aſſenſu, Statuimus & Ordinamus, quòd Capellani quicunque non Beneficiati, præſertim idonei Curis Animarum, Eccleſiis, ſeu Capellis Parochialibus, *p* moderatis ſibi *q* conſtitutis Salariis, poſtpoſitis *r* privatis ſeu peculiaribus obſequiis quorumcunque, ante omnia officiare & intendere teneantur, cùm per loci Diœceſanum ſeu Ordinarium Judicem in hac parte competentem fuerint requiſiti: ſub pœna Suſpenſionis ab Officio, quam, ſi ſic requiſiti (ut præmittitur) infra viginti dierum ſpatium, ceſſante legitimo impedimento, non paruerint *s* cum effectu, eo ipſo ſe noverint incurſuros.

p Moderatis.] *Debet hoc ſalarium moderari juxta Curæ quantitatem, Perſonæ humilitatem, & Patriæ Conſuetudinem.* Lyndw.

q Conſtitutis.] *Scil. per Ordinarium loci, vel Judicem in ea parte competentem.*

r Privatis.] *Ut quia celebrant aliquod Annale pro vivo, vel defuncto.* Lyndw.

s Cum effectu.] *Sic ſcil. ut ibi maneat.* Lyndw.

SIMON SUDBURY.

Annalia Defunctorum celebrantes, nec Curam Animarum habentes, ſint ſeptem Marcis, aut tribus cum cibariis, contenti; habentes autem, octo, aut quatuor cum victu, niſi Diœceſanus aliter ſtatuerit. Tranſgreſſor autem Excommunicetur.

Archbiſhop *Iſlep*'s Conſtitution aſſigned to Chaplains not employed in Pariſhes, 5 Marks, and to Pariſh-Prieſts, 6 only,

—upon pain of Suſpenſion *ab officio*:

—but now, decreed (with regard to the difference of times) that the firſt ſhall have 7, and the ſecond 8 Marks:

—the breach of which ſhall be Excommunication *ipſo facto.*

Lyndw. Edit. Oxon. p. 240.

EFfrænata, *& infrà.* Quanquam bonæ memoriæ Dominus *Simon Iſlepe* dudum *Cantuarienſis* Archiepiſcopus, Prædeceſſor noſter, dum in humanis agebat, de Fratrum ſuorum conſilio & aſſenſu, *t* Statuerit, & Ordinaverit, quod Capellani Annalia celebrantes, & cæteri *u* Animarum Curæ non intendentes, quinque Marcarum; Eccleſias verò ſeu Capellas Parochiales, & Curam eiſdem imminentem officiantes, ſex Marcarum ſummâ pro ſuis ſtipendiis annuis deberent contentari; in Sacerdotes non parentes Statuto hujuſmodi, pœnam Suſpenſionis ab Officio ipſo facto imponendo: Nos tamen temporum qualitate attentâ, de Fratrum & Suffraganeorum noſtrorum conſilio & aſſenſu, Statuimus, ut quicunque in noſtris Civitate, Diœceſi, ſeu Provincia *Cantuarienſi*, pro Animabus Defunctorum Annalia celebraturi, ſeptem Marcis, aut cibariis & tribus Marcis; alii autem qui Curæ Animarum deſervient, octo Marcis, aut cibariis & quatuor Marcis, ſint annuatim contenti; nullatenus ultra id recepturi, niſi aliter loci Diœceſanus cum his qui Curæ Animarum deſervient, primitùs decreverit faciendum. Si quis autem Clericus contra hanc noſtram Conſtitutionem dando ſeu recipiendo venire præſumpſerit, Excommunicationis ſententiam incurrat ipſo facto; à qua niſi per Diœceſanum loci, in quo deliquerit, non poterit abſolvi. Sententiis verò in præſenti Statuto noſtro contentis, poſt publicationem ejuſdem juxta Canonum exigentiam, contrafacientes, eiſdem ligari volumus & involvi.

t Statuerit.] *Iſtud Statutum ponebatur in parte deciſâ Capituli præcedentis; quod ideò ibi ſubticui, quia hîc recitatur.* Lyndw.

u Animarum Curæ.] *His namque aſſignandum eſt quandoque Salarium largius quam octo Marcarum, ſecundùm quantitatem & magnitudinem Curæ, qualitatemque perſonæ hujuſmodi Curæ deſervituræ. Nam juſtum eſt, ut ſecundùm magnitudinem quantitatemque Oneris & Laboris, ad majus vel ad minus æſtimetur Salarium ſive ſtipendium Miniſtrantis.* Lyndw.

Salaries of Curates.

A.D. 1362.

36 Edw. III. Cap. 8.

An Act for the Wages of Pariſh Prieſts.

Archbiſhop and Biſhops at the motion of the King,

—have limited the Salaries of *Pariſh* Prieſts to 6 Marks, and of others to 5 Marks;

ITEM, The King, at the prayer of the Commons, ſhewing to him by petition, how that Prieſts be become very ſcant after the Peſtilence, to the great grievance and oppreſſion of the people; hath ſpoken to the Archbiſhop of Canterbury, and the other Biſhops, being in the Parliament, to ſet thereupon a convenable remedy: which Archbiſhop and Biſhops at the motion of the King and of the great men, ſaid in the ſame Parliament, that they have thereupon ordained in certain; that is to ſay, that the pain of Pariſh Prieſts by any manner colour receiving above ſix marks, and other yearly, ſinging, and not intending the cure of ſouls, taking above five marks, without the Biſhops diſpenſation, be ſuſpenſion of their Office, if they within the month make not reſtitution to the uſe of the Church in which they ſing, of that they have above received: And the pain of people of holy Church, giving above ſix marks, or five, to pariſh-prieſts, or other yearly ſinging, as afore is ſaid, is to pay the double of that that they do exceſſively pay, to be converted to the uſe of alms at the arbitrement of the Dioceſan of the place. And all manner Prieſt, intending their proper ſervice, as yearly ſinging, ſhall ſerve the pariſhes and be attending to the cure of ſouls as he by the Ordinaries of the place, or by them to whom he atteineth, ſhall be required, upon pain of ſuſpenſion of their Office, which they ſhall incur upon the deed, if they within the twenty days after that they ſhall be required, be not obedient to ſuch requeſts. And that no Prieſt paſſing from one Dioceſs to another, ſhall be received there to ſing divine ſervice, unleſs he ſhew to the Dioceſan of the place letters commendatory of the Biſhop, in whoſe Dioceſs he laſt before dwelled. Wherefore the King by the aſſent of the great men and Commons hath ordained, that if any ſecular man of the Realm pay any more than five marks to any Prieſt yearly in money, or in other things to the value, or if he pay to ſuch Prieſt, retained to abide at his Table, above two marks for his gown and his other neceſſaries (his Table accounted to xl. s.) and thereof be attainted, he ſhall pay to the King fully as much as he payed to the ſaid Prieſt.

—and that Maſs Prieſts ſhall attend Parochial Duties, being required, and received by Biſhop.

Enacted, That none pay more than five Marks to any Prieſt; or 2 Marks and Table to Prieſt in his Family.

A.D. 1414.

2 Henr. V. Cap. 2.

An Act for Wages of Prieſts.

Recital of the foregoing Statute, 36 *Edw.* 3. c. 8.

ITEM, Whereas it is contained in the Statute, made the xxxvi. year of King Edward the third after the conqueſt, that no pariſh-prieſt nor yearly Prieſt ſhould take but v. Marks, or vi. at the moſt for their wages by year; And where the pariſt-prieſts which now be, will not ſerve but for x. li. xij. Marks, or x. Marks by year at the leaſt, againſt the form of the ſaid Statute, to the great damage of the Kings liege people, as he hath perceived by the complaint of the Commons of his land: The King willing for the ſame to provide remedy in caſe of the ſaid Commons, hath ordained and eſtabliſhed, that no yearly Chaplain within the Realm ſhall take from henceforth more for his whole wages by year, that is to ſay, for his Board, Apparel, and other Neceſſaries, but vij. Marks; nor the pariſh-prieſt, which be or ſhall be retained to ſerve cures, ſhall take from henceforth for their whole wages by year, that is to ſay, for the things aforeſaid but viij. Marks; unleſs it be by Licence of the Ordinary, ſo that the whole ſum paſs not nine Marks.

—and enacted, that yearly Chaplains take no more than 7 Marks, and Pariſh Prieſts 8,

—unleſs by Licence of the Ordinary.

A.D. 1623.

21 Jac. I. Cap. 28.

In an Act, Entituled, *An Act for Continuing and Reviving of divers Statutes, and Repeal of divers others.*

Repeal of the two foregoing Statutes.

——XI. And one Statute made in the ſix and thirtieth year of the Reign of the late King Edward the Third, concerning ſtipend and wages of Prieſts, and Prieſts paſſing from one Dioceſs to another: And one other Statute made in the ſecond year of the Reign of the late King Henry the Fifth, concerning wages or ſtipend of Chaplains and Prieſts: ——ſhall be by virtue of this Act repealed.

Of COADJUTORS *to Incumbents.*

Reaſon of appointing a Coadjutor.

IN caſe of any habitual Diſtemper of the *Mind*, whereby the Incumbent is rendred uncapable of the Adminiſtration of his Cure, (ſuch as *Frenzy*, *Lunacy*, and the like;) the Laws of the Church have provided *Co-adjutors*. Of theſe, there are † many inſtances remaining upon our Books, both before and ſince the Reformation; and we find them given, generally, to *Parochial Miniſters* (as moſt *numerous*;) but ſometimes alſo to Deans, Archdeacons, Prebendaries, *&c.* and, no doubt, they *may* be given, in ſuch Circumſtances, at the diſcretion of the Ordinary, to any Eccleſiaſtical Perſon, having Eccleſiaſtical Cure and Revenue.

† Vid. ſupr. p. 137. Coadjutors to Biſhops.

Power of a Coadjutor.

The Powers conveyed, are, firſt in general terms, *the Office of a Coadjutor*; and then, in particular, the looking after the Cure, the receiving of the Profits, and the diſcharging of the Burdens; with an Obligation to be accountable to the Ordinary, when called upon. But

Pag. 137.

I think, the Article of *Looking after the Cure,* is a late Clauſe; having obſerved no more in the ancient Appointments of this kind, even ſince the Reformation, than the *Adminiſtration of the Revenues*; which therefore exactly anſwers to the account that hath been already given of *Coadjutors to Biſhops,* as appointed only to take care of the **Temporalties**. And as there, the Spiritual part was committed by the Metropolitan to a *Biſhop Suffragan,* ſo here it was commited by the Dioceſan to a *Curate* duely Licenſed. Not, but the Office of Coadjutor to an Incumbent was always committed to a *Clergyman*; who therefore, if not engaged in another Cure, might be content to take upon him the Spiritual part alſo, and have it accordingly committed to him by the Biſhop; but this was no part of the *Office* of a *Coadjutor,* as ſuch; which, in the caſe of Presbyters as well as Biſhops, did anciently relate to the *Temporalties* only.

3 Regiſtr. *Whitg.* f. 131.

Rights of the Church, to appoint Coadjutors to Clergy.

Salaries of Curates.

In the Reign of Queen *Elizabeth,* the Court of Wards had taken upon them to commit the *Perſon* and *Revenues* of a Lunatick Incumbent, to a Layman who was his near Relation. Againſt this, Archbiſhop *Whitgift* objected, as an Encroachment upon the Eccleſiaſtical Juriſdiction, and proved the Charge by divers Teſtimonies (to which many more might have been added,) out of the Records of *Canterbury* and *London*; whereby it appeared, that this had always been a Care belonging to the Governours of the Church. And the perſon to whom the Cuſtody had been committed, being cited to anſwer the Allegations of the Archbiſhop, and alledging nothing to the contrary; the Court thereupon made the following Declaration: "This Court hath not any Power or Juriſdiction to intermeddle or *Commit* the Spiritual or Eccleſiaſtical Livings or Poſſeſſions of any Spiritual perſon that is *Lunatick* or *Non compos Mentis*; but that the ſame reſteth in the Eccleſiaſtical Magiſtrates, to appoint and diſpoſe, as formerly hath been accuſtomed. But for the *moveable Goods* of the ſaid --- and his *Temporal* Poſſeſſions; the Court will further conſider thereof, and give ſuch order therein as ſhall appertain, *&c.* In purſuance of which Declaration, the Archbiſhop committed the Adminiſtration of the Spiritual Revenues to a *Clergyman,* under the ſtyle of *Coadjutor*; and did afterwards, by a ſeparate Inſtrument, commit the *Cuſtody* of the *Lunatick,* to the Perſon who had been appointed for the whole Care by the Court of Wards.

Ibid. 228, 229.

Orders, between Incumbent, and Coadjutor.

I ſhall only obſerve further, that as in the time of Archbiſhop *Abbot,* we find the Commiſſion of a Coadjutor explained and enforced by ſpecial *Rules and Orders to be obſerved between the Miniſter and his Coadjutor, in point of Profits, &c.* ſo, in the time of Archbiſhop *Sancroft,* we firſt find a *Bond* alſo given by the Coadjutor, for a faithful *Account* to be made to the Ordinary, or other Spiritual Judge to be appointed by him.

TIT. XXXVII.

PLURALITY, and COMMENDAM.

THE CONTENTS.

Cap. I. PLURALITY *of Benefices.*
Cap. II. *Of* COMMENDAMS.

CAP. I.

PLURALITY *of Benefices.*

A.D. 1268. 52 *H.* 3.

OTHOBON.

Summarium.

Prælati diligenter inquirant de his, qui ante hanc Conſtitutionem aut plura Beneficia incompatibilia ſine diſpenſatione ſuſceperint, aut in Beneficiis ſuis non reſiderint, aut ſacros Ordines non ſuſceperint; & in illis Statutum generalis Concilii obſervari faciant. Archidiaconi quoque in Provincialibus Conciliis eoſdem inquirant, & inventos diligenter corrigant. Poſthac verò præſentatos inſtituturi, de vita & converſatione eorum, & de Beneficiis, an plura habuerint, diligenter inquirant: & ſi incompatibilia ſine legitima diſpenſatione habere offenderint, cætera Beneficia intra ſtatutum terminum in manus Prælatorum referre jurent, alioquin non admittantur, & ſi temerè inſtituti fuerint, Inſtitutio ſit nulla. In his verò qui diſpenſationem habent, diligenter conſideretur, an ea talis ſit, ut etiam plura ſuſcipere diſpenſetur; quod ſi non, juret cætera dimittere, aut ad petitum non admittatur; quæ ſi non dimiſerit, præter perjurii notam quam incurrit, & habitis & habendis ipſo Jure noverit ſe privatum. Prælati verò denuntient Patronis & Collatoribus Beneficiorum dimiſſorum nomina, ut de illis diſponant, & in proximo Concilio qualiter de ipſis diſpoſitum ſit, nè apud eoſdem maneant, diligentius inquirant. Quod ſi Prælati ſecus inſtituerint, Inſtitutionem factam intra menſem revocent, alioquin à Collatione ſeu Inſtitutione quacunque, donec revocaverint, ſint ſuſpenſi. Caveant autem Prælati, aliquem propter dicta aut defectum Ordinum ad vacantem Eccleſiam inſtituere recuſantes, alium, qui conſimilem defectum patiatur, inſtituere: ne ſic potius perſonam acceptâſſe videantur, quàm Juſtitiam dilexiſſe. Aliter Inſtitutio talis penitus cenſeatur invalida.

Plurality of Benefices.

Othob. Edit. Oxon. p. 126.
† Se plures eſſe mendaci. *MS.*

The Miſchiefs of Pluralities, and Non-Reſidence;

CHRISTIANÆ Religionis veritas ita pleroſque in ſuorum cordium elatione reliquit, ut cùm Animæ ſuæ curæ vix unuſquiſque ſufficiat, † ipſi ſe mendacii ſtatera penſantes, non ſolùm unius Beneficii, ſed multorum intrepidè curam ſuſcipiunt; in quo quandoque non reſident, nec ad Sacros Ordines ſe faciunt promoveri, quos ipſius cura Beneficii requirit, ſed etiam multas & innumeras curas ſibi congregant impudenter, & per vanitates & falſas inſanias ambulantes, miſeras Animas, quas curandas acceperunt, neceſſariò negligunt, cùm onus tale implere ipſâ facti impoſſibilitate non poſſunt. Sanè hos carni contra Spiritum, & adverſùs Deum & Proximum aſſiſtentes, & quaſi de induſtria recedentes à Deo, dum ſeipſos in manus Diaboli manifeſtè præcipitant, Animas Chriſto auferunt, & pauperum Eleemoſynas in uſus ſuperfluos (nè dicamus in malos) nefandâ perverſitate convertunt. A tantis eruere periculis, [a] Sanctorum Pa-

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[a] Sanctorum Patrum.] *Præcipuè, Alexandri Tertii in Concil. Lateranen. anno* 1180; *Innocentii Tertii in Concilio Lateranen. anno* 1215, & *Johannis* xxii. *in Decretali ſuo, cui Titulus* Execrabilis:

Extra. l. 3. t. 4. c. 3. De Cler. non Reſid.

1. *Alexandri Tertii, in Concil. Lateran.* "Quia nonnulli modum Avaritiæ non ponentes, Dignitates diverſas Eccleſiaſticas, & *plures Eccleſias Parochiales*, contra Sacrorum Canonum Inſtituta, nituntur accipere; ut cùm unum officium vix implere ſufficiant, ſtipendia ſibi vendicent plurimorum; ne id de cætero fiat diſtrictiùs inhibemus. Cùm igitur Eccleſia, vel Eccleſiaſticum Miniſterium committi debuerit, talis ad hoc perſona quæratur, quæ *reſidere* in loco, & curam ejus *per ſeipſam* valeat exercere. Quòd ſi aliter actum fuerit; & qui receperit, quod contra Sacros Canones accepit, amittat; & qui dederit, largiendi poteſtate privetur.

Extra. l. 3. t. 5. c. 28. De Præbendis.

2. *Innocentii Tertii, in Concil. Lateranen.* "De multâ providentiâ fuit in *Lateranenſi Concilio* prohibitum, ut nullus *diverſas Dignitates Eccleſiaſticas*, vel *plures Eccleſias Parochiales* reciperet, contra Sacrorum Canonum Inſtituta; alioquin recipiens ſic acceptum amitteret, & largiendi poteſtate conferens privaretur. Quia verò propter præ-

—againſt which, many Conſtitutions have been made,

—but have been alſo eluded,

Plurality of Benefices.

trum, *Romanorum* Pontificum, & cæterorum ſuper his auctoritatem gerentium, Conſtitutiones, tam ab antiquis retrò temporibus, quam modernis, multiplici ſollicitudine laboraverunt. Quorum labor etſi meritorius fuerit his, qui vineam Domini fideli exercitio coluerunt, quibus virtus fuit etiam malè † viventibus materiam miniſtrare virtutis; multis tamen in hos prophanæ cupiditatis ardore *b* craſſantibus, hujus laboris profectum invenimus defuiſſe; qui præter clavem diſpenſationis Apoſtolicæ Sedis, pluralitatem Eccleſiaſticorum Beneficiorum Animarum curam habentium, non ſolùm de manu Prælatorum *c* malè ſuſcipere, verum etiam propria authoritate violentâque manu damnabiliter occupare præſumunt, & temere per excogitatas malitias & ſubterfugia detinere.

† Uſuris Materiam miniſtrare Salutis. *MS.*

—to the great detriment of the Church and Religion.

Ex his autem dicere non ſufficimus quanta mala proveniunt Eccleſiæ; namque maculatur honeſtas, annullatur auctoritas, fides Chriſti proſternitur, charitas exulat, ſpes pauperum deperit; * quòd intrat omne Beneficium vacaturum, quod ſuum non eſt, miſer peccator & cæcus: Rectorem ſe jactans non tam recipit quàm furatur. Inter ipſos quoque divites contentionis & ſcandala oriuntur, lites & odia confoventur, dignè etiam ſuper hujuſmodi Regnorum homines Divinæ indagationis exarſiſſe ignem, & propter aliquorum delicta in omnes miſiſſe formidinem ſive vindictam ex hoc præcipuè formidamus: & dum nihil aliud ita periculis plenum conſpicimus, talia vel graviora etiam pertimeſcimus in futurum, niſi Dei miſericordia Nos reſpiciens correctionis remedium apponat ſalutare.

* *MS. add.* Eò quòd apertum vident os divitis vel potentis, in quod, *&c.*

The Prelates ſhall enquire diligently of Pluraliſts and Non-reſidents, and put the Canons in execution;

Volentes igitur & contra hunc morbum peſtiferum & vix curabilem, quam poſſumus, Officii noſtri diligentiam adhibere, & totum, quantum in nobis eſt, virtute curare; *d* prædicti quoque Legati Conſtitutionem ſuper his editam, ipſius inhærendo veſtigiis adjuvantes, adjiciendo Præcipimus, ut de præteritis ante hanc noſtram Conſtitutionem, circa Beneficiorum cum Cura Pluralitatem, necnon contra illos, qui, prout debent, in Beneficiis ſuis nec reſident, nec Ordinem Sacrum ſuſcipiunt, quem Beneficii ipſius cura requirit, de commiſſis Prælati ſine ulla diſſimulatione diligenter inquirant, & in illis faciant Statutum *e* Generalis Concilii fideliter obſervari.

—as ſhall alſo Archbiſhops in their Provincial Councils;

—particularly, before Inſtitution, it ſhall be Enquired, whether the Preſentee hath any other Benefice, and (in caſe he have) a ſufficient Diſpenſation,

—which if he hath not, he ſhall not be Admitted,

—but upon an Oath taken to reſign the reſt;

—whereupon, notice ſhall be given to the Biſhops in whoſe Dioceſs they ſhall be, and to the Patrons,

—and to the next Provincial Council.

Archiepiſcopi etiam diligenter & efficaciter ſuper præmiſſis inquirant, in Provincialibus Conciliis ſuis, & negligentes corrigant, ut tenentur, cùm de his in diſtricto Judicio rationem reddere teneantur. In poſterum autem, cùm ad Beneficium curam habens Animarum quenquam præſentari, aut ipſius Collationem alias fieri contigerit, Statuimus, ut Prælatus, qui circa id ſuum gerit Officium, prius de vita & converſatione præſentati vel inſtituendi, ac de aliis quæ Jura præcipiunt inquiſitione præmiſſa; hoc quoque diligenter diſcutiat & inquirat, utrum habeat præſentatus vel inſtituendus hujuſmodi Perſonatus vel Beneficia alia curam Animarum habentia, & ſi quidem habeat, an illa cum diſpenſatione, an ſine illa tenuerit; quam ſi ſe habere aſſerit, illam intra terminum à Prælato ſtatuendum, poſt aſſertionem hujuſmodi, ipſi Prælato exhibere procuret, alioquin extunc nullatenus admittatur. Quòd ſi inſtitutus fuerit, nulla Inſtitutio ſit ipſo Jure; diſpenſatione verò exhibitâ, ipſe Prælatus providè conſideret, an ex vi diſpenſationis ipſius aliud, vel alia, cum jam habitis valeat obtinere. Quòd ſi eum plura Beneficia curata ſine diſpenſatione habere vel habuiſſe compererit, ipſum ad idem de quo agitur, aliquatenus non admittat; hoc idem conſervans, ſi exhibita diſpenſatio non ad futura, ſed tantum ad præterita ſe extendit; niſi prius in hoc caſu inſtituendus ipſe præſtet corporaliter Juramentum, quòd habitâ poſſeſſione in Beneficio in quo inſtituitur, ſtatim alia Beneficia, quæ prius habuit, ſine difficultate dimittens, de illis per ſe vel per alium extunc nullatenus ſe intromittat. Quod ſi facere præſumpſerit, præter notam perjurii quam incurrit, habitis & habendis ipſo Jure noverit ſe privatum. Poſtquam autem, ſecundùm ea quæ diximus, quiſquam fuerit inſtitutus, illicò Prælatis in Regno eodem conſtitutis, in quorum Diœceſi conſiſtunt priora Beneficia, quæ habebat, necnon Patronis ipſorum, quod geſtum eſt (ſi commodè poterit) denunciet inſtitutor; ut de Beneficiis ipſis, quæ ad ipſos ſpectare videntur, diſponant, & nihilominus nomina Beneficiorum ipſorum conſcribens, tunc in proximo Provinciali Concilio ea denunciet; in quo videatur qualiter ſit de ipſis Beneficiis

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"ſumptiones, & quorundam cupiditates, nullus hactenùs "aut rarus de prædicto Statuto fructus provenit, Nos, evi- "dentiùs & expreſſiùs occurrere cupientes, Præſenti Decreto "ſtatuimus, ut quicunque receperit aliquod Beneficium "Curam habens Animarum annexam, ſi priùs tale Benefi- "cium habebat, eo ſit, *ipſo jure*, privatus; & ſi fortè illud "retinere contenderit, etiam *alio* ſpolietur. Is quoque ad "quem prioris ſpectat donatio, illud poſt receptionem alte- "rius liberè conferat, cui meritò viderit conferendum: & "ſi ultra ſex menſes conferre diſtulerit, non ſolùm ad alios, "ſecundùm Lateranenſis Concilii Statutum, ejus Collatio "devolvatur, verùm etiam tantum de ſuis cogatur proven- "tibus, in utilitatem Eccleſiæ cujus eſt illud Beneficium, "aſſignare, quantum à tempore Vacationis ipſius conſtiterit "eſſe perceptum. Hoc idem & in Perſonatibus eſſe decerni- "mus obſervandum: addentes, ut in eâdem Eccleſia nullus "*plures Dignitates* aut *Perſonatus* habere præſumat, etiam "ſi curam non habeant Animarum. Circa ſublimes tamen "& literatas perſonas, quæ majoribus ſunt beneficiis hono- "randæ, cùm ratio poſtulaverit, per Sedem Apoſtolicam "poterit diſpenſari.

3. *Johannis xxii.* in Conſt. *Execrabilis.* "Qui verò de- "inceps receperint Dignitatem, vel Perſonatum, ſeu Offi- "cium, aut aliud Beneficium animarum curam habens an- "nexam, ſi anteà *ſimile* Beneficium obtinebant, illud (quo, "ipſo jure, poſtquam *ſecundi* poſſeſſionem habuerint, vel "per eos, omni dolo & fraude ceſſantibus, quo minùs ha- "beant, ſteterit, privati noſcuntur) abſque moræ diſpendio, "in Ordinariorum manibus dimittere debeant pari modo: "Alioquin extunc ſint, *ipſo jure*, ſecundo privati, & nedum "ad Sacros ſuſcipiendos Ordines, quinetiam ad habendum "quodcunque Beneficium Eccleſiaſticum, inhabiles repu- "tentur.

Extravag. *Execrab.* tit. 3.

b Craſſantibus.] *i. e. Pertinaciter ſeu obſtinatè indureſcentibus.* J. de Athon.

c Malè.] *Quia contra Probibitionem Canonum.* J. de Athon.

d Prædicti Legati.] *Othonis, de Reſidentiâ; quam vide in pag. 24. Cap. de Inſt. Vic.*

e Generalis Concilii.] *De Præbend.* c. De multa —— *Extra. De Elect. Licet Canon. l.* 6. —— *De Cler. non Reſiden.* c. Nonnulli. J. de Athon.

ordinatum,

Plurality of Benefices.

ordinatum, & ut appareat utrum ſic inſtitutus verum dixerit, qui prius dixit ſe alia Beneficia non habere.

Quòd ſi Prælatus inſtituens ſecus egerit, Inſtitutionem factam revocet infra menſem; alioquin à Collatione & Inſtitutione ad ipſum in quibuſcunque Beneficiis ſpectantibus, quouſque revocaverit, ſit ſuſpenſus, Jus conferendi ad proximum Superiorem devolvendo. Quod ſi de his nihilominus intromiſerit, etiam ab ingreſſu Eccleſiarum ſit ſuſpenſus. Cùm eum, qui à ſe reprobatum crimen incurrit, meritò culpa redarguit, & in quo alium judicat ſeipſum condemnat, dum in eodem ipſe reprobus invenitur; hanc fugiendam Apoſtolo dicente labem in Prælatis Eccleſiæ deteſtantes, firmiter Inhibemus, ne Prælatus, qui præſentatum ſibi ad vacantem Eccleſiam, ob defectum Sacrorum Ordinum recuſat admittere, alii eandem Eccleſiam conferat, qui defectum hujuſmodi patiatur, ne ſic potius videatur acceptâſſe perſonam, quam juſtitiam dilexiſſe; quod ſi fecerit, ejus Collatio vel Inſtitutio ipſo facto ſit invalida, & nullius momenti penitùs cenſeatur.

Inſtitutions contrary to this Conſtitution, ſhall be revoked.

Inſtitution to a Church having been deny'd to one for lack of Orders, ſhall not be granted to another, who alſo wants Orders.

A.D.1268.
52 *H.* 3.

OTHOBON.

In Conſt. cui Tit. *De Confirmatione Epiſcoporum.*

Othob. Edit. Oxon. p. 133.

—— Statuimus, & in virtute Sanctæ Obedientiæ Præcipimus diſtrictè, ut cùm Electionis Epiſcopalis Confirmatio poſtulatur, inter cætera ſuper quibus Inquiſitio & Examinatio procedere debet, ſecundùm Canonum Inſtituta, illud exactiſſimè inquiratur, utrùm plura Beneficia cum Animarum Curâ, qui electus eſt, antequam eligeretur, habuerit; & ſi habuiſſe inveniatur, an cum eo ſuper hoc fuerit [f] diſpenſatum; & an Diſpenſatio, ſi quam exhibuerit, vera ſit, & ad omnia Beneficia quæ obtinuit, extendatur.

Before Conſecration of Biſhops, diligent Enquiry ſhall be made, whether they had Pluralities,
— and next, whether they were duely Diſpens'd with.

Pecch. 142, a.
198, a.
Winch. 27. a.

[f] Diſpenſatum.] *Temporibus* Johannis Peccham *&* Roberti Winchelſea, *Archiepiſcoporum Cantuarienſium, denegata fuit Confirmatio tribus Epiſcopis, ratione* Pluralitatum, *ſine debitis* Diſpenſationibus.

A.D.1279.
7 *Edw.* 1.

JOHANNES PECCHAM.

Qui plura Beneficia Curam Animarum habentia, aut alioquin incompatibilia, ſine diſpenſatione Apoſtolica obtinuit, ultimo ſit contentus, aut omnibus ſpolietur. Qui verò de cætero talia ſic receperit, aut aſſecutus fuerit, per modum Inſtitutionis, aut Commendæ, ſeu Cuſtodiæ, contra Conſtitutionem Gregorianam in Concilio Lugdunenſi, omnibus ſic obtentis privetur, & excommunicetur, non abſolvendus niſi per ſummum Pontificem aut Archiepiſcopum ſuum.

Lyndw. Edit. Oxon. p. 135.

AUdiſtis, *& infrà.* Decernimus, juxta formam [g] Generalis Concilii, omnia Beneficia [h] curam animarum habentia, quæ de facto obtinent hi, qui diſpenſationem Apoſtolicam ſuper pluralitate Beneficiorum hujuſmodi non habent, per Beneficii receptionem quod ultimo [i] receperunt, ipſo Jure vacare. Et, licèt juxta rigorem Conſtitutionis Domini *Othoboni*, ſic recipiens plura Beneficia [k] ultimo ipſo jure ſit privatus, cùm ſecundùm eandem decernatur [l] inſtitutio irrita ipſo Jure; Præcavere tamen volentes, nè rigorem videamur coacervare rigori, mentemque Conſtitutionum tàm Concilii Generalis quàm etiam Domini *Othoboni* clarius advertentes; quarum neutra in præobtentis & ultimo ſimul privat (cum Concilium Generale ſolum auferat præobtenta, ultimum tamen reſervat: Conſtitutio verò *Othoboni* inſtitutionem in ultimo Beneficio decernat irritam ipſo Jure, præobtento tamen ipſo Jure non privat:) Nos miſericordiam cum rigore miſcentes, permittimus, ut is qui [m] plura Beneficia curam animarum habentia, abſque diſpenſatione Apoſtolica fuerit aſſecutus, ultimo Beneficio ſic obtento juxta Generalis Concilii tenorem ſit contentus; niſi fortè ex temeritate contenderit etiam præobtentum improbè retinere. In quo caſu ipſum nec primo nec ultimo dignum, imò nec medio nec aliquo judicamus; ſed ea potius ipſo Jure vacare. Quibus omnibus, quatenus de facto eadem detinet occupata, cenſemus perpetuò ſpoliandum, *& infrà.* Decernimus etiam, & perpetuâ ſtabilitate firmamus, ut quicunque in poſterum plura Beneficia curam animarum habentia, ſeu aliàs [mm] incompatibilia, abſque Sedis Apoſtolicæ diſpenſatione [n] receperit vel aſſecutus fuerit, per modum Inſtitutionis, vel Commendæ, ſeu Cuſtodiæ, vel unum titulo Inſtitutionis, aliud titulo Commendæ vel Cuſtodiæ, præter [o] modum illum quem Conſtitutio *Gregoriana* edita in

By the General Council, a Plurality, without diſpenſation, vacates all Benefices, taken *before*;
—and, by the Conſtitution of *Othobon*, the *laſt* ſhall be void;
—but the General Council ſhall be obſerved;
—and further, he who attempts to hold all, ſhall forfeit all.
Whoever ſhall hold two Benefices, or Commendam with one, ſhall be deprived and Excommunicated,

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[g] Generalis Concilii.] *Extra. de Præbend.* c. *De Multa.* Lyndw.

[h] Curam Animarum.] *Sive ſit Eccleſia Cathedralis, Parochialis, vel Capella habens Parochianorum Curam, de jure vel de facto; dummodo Parochiam habeat, in quâ jus Parochiale exerceat. —Et, ſive ſit Dignitas, vel Officium, ſive Eccleſia; ſicut ſunt multi Archipreſbyteri, Archidiaconi, & Decani, qui nullam habent Eccleſiam cui præſint; habent tamen Juriſdictionem ſuper multas Eccleſias.* Lyndw.

[i] Receperunt.] *Supple, poſſeſſione ejuſdem etiam ſecutâ; nam aliàs ſola* receptio *non ſufficeret ad hoc quod dicitur.* Lyndw.

[k] Ultimo.] *Intellige de eo, qui, cum Diſpenſatione, vel ſine Diſpenſatione, obtinens duo talia Beneficia ſimul, poſteà abſque Diſpenſatione recipiat tertium, ut videlicet ipſo tertio ſit ipſo jure privatus.* Lyndw.

[l] Inſtitutio.] *Intellige de Inſtitutione tertii.* Lyndw.

[m] Plura.] *i. e. Duo.* Lyndw.

[mm] Incompatibilia.] *viz. Ea, quibus imminet Cura Animarum, vel quæ requirunt Reſidentiam de Conſuetudine vel Statuto. — Incompatibilia, ſunt Dignitates, & Perſonatus, & alia quæ Reſidentiam exigunt perſonalem, ex Statuto, Privilegio vel Conſuetudine approbatâ.* Lyndw.

[n] Receperit.] *Intellige effectualiter, poſſeſſione ſecutâ.* Lynd.

[o] Modum illum.] *Ut ſcil. is cui Commenda fiet, ſit in ætate legitimâ, & Sacerdotio; & quòd ſit tantùm una, neceſſitate evidenti, vel utilitate ipſius Eccleſiæ ſuadente; & quòd non duret ultra ſex menſes.* Lyndw.

—and not abſolved, but by the Archbiſhop or the Pope.

Concilio *Lugdunenſi* permittit, eo ipſo ſit privatus omnibus ſic obtentis Beneficiis, [p] ipſoque facto ſententiâ Excommunicationis permaneat innodatus: à qua non niſi per Nos, aut Succeſſores noſtros, vel ſedem Apoſtolicam, abſolutionis gratiam valeat promereri.

[p] Ipſoque facto.] *Hæc Clauſula, ultra Jura alia, eſt novum Jus continens.* Lyndw.

JOHANNES PECCHAM.

In Conſt. *Sacramentum Pœnitentiæ*, Sub Tit. *De Pæn. & Rem.*

Notwithſtanding the foregoing Conſtitution, Pluraliſts obtain Abſolution,

Lyndw. Edit. Oxon. p. 337.

—Cùm inſuper Nos [q] dudum pluralitatem Beneficiorum [r] ſacrilegè uſurpatam cohibere volentes, Inhibuerimus ſub pœnâ Excommunicationis, nè quis de facto ad tales in ſuis furtis & ſacrilegiis contumaces manus extenderit abſolvendos; Quidam tamen Sacerdotes *Baal* potius quàm Domini Salvatoris, contrarium facere præſumpſerunt, occidentes Animas Chriſti ſanguine redemptas & evertentes Eccleſiaſticam Diſciplinam: Iſtos igitur, quaſi vulpes demolientes vineam Domini veraciter reputantes, ſub [s] priſtina Diſtrictione Præcipimus iteratò, quatenus à talibus abſolvendis de cætero abſtineant, & eos ad renunciandum Beneficiis obtentis illicitè, vel retentis ſollicitè, inducant: alioquin ſciant ſe certiſſimè Divinæ maledictionis fulgure feriendos.

—which none ſhall give for the time to come, upon pain of being accurſed.

[q] Dudum.] *Iſtud, quod hîc dicitur, non reperi in aliquâ Conſtitutione* Jo. Peccham —— *Poteſt tamen eſſe, quòd Inhibitionem, de quâ hic loquitur, fecerit per aliquas literas ſuas, de quibus non caveatur in Conſtitutionibus prædictis; vel forſan comprehenditur ſub eo quod habes ſuprà,* c. Audiſtis, *in fine; ubi patet, quòd obtinens plura Beneficia Curata, vel aliàs incompatibilia, abſque Diſpenſatione ſufficienti, eſt ipſo facto Excommunicatus. Unde tales non poſſunt abſolvi à dictâ Sententiâ, niſi per Archiepiſcopum, vel ejus Superiorem; ut ibi patet.* Lyndw.

[r] Sacrilegè.] *Eò quod res Eccleſiæ occupet injuſtè, & contra Canonicas Sanctiones.* Lyndw.

[s] Priſtina diſtrictione.] *i. e. Sub pœnâ Excommunicationis.* Lyndw.

21 Henr. VIII. Cap. 13.

A.D. 1529.

In an Act, Entituled, *Spiritual Perſons abridged from having Pluralities of Livings*, &c.

Any Perſon having a Benefice of 8 *l.* a year, ſhall forfeit it, if he be Inducted into another,

IX. And be it enacted by the Authority aforeſaid, That if [t] any perſon or perſons [u] having one Benefice with Cure of Soul, being of the yearly value of [w] viij. pound or above, accept and take [x] any other with Cure of Soul, and be [y] inſtituted and inducted in Poſſeſſion of the ſame, That then and immediately after ſuch Poſſeſſion had thereof, the firſt Benefice ſhall be adjudged [z] to be void.

Hob. 157.

[t] **Any Perſon or Perſons.**] Altho' *Biſhops* are not within this Act, otherwiſe than as *Commendataries*, i. e. having two Benefices with Cure, either by *Retainer*, or *de novo*; yet it is a *general* Law, which ought to be taken notice of without Pleading; by the ſame reaſon, that the Stat. 13 *Eliz.* c. 10. concerning Leaſes of the *Clergy*, hath often been adjudged a *general* Law, tho' *Biſhops* are not included in it.

1 Cro. 601.
Mo. 542.
3 Keble, 152.

4 Rep. 225.

[u] **Having one Benefice.**] So as to be *Inſtituted*, tho' he be not Inducted; and if he take a Second *after Inſtitution*, the firſt is void, as much as if it had been taken after Induction alſo.

[w] **Eight Pound.**] *i. e.* According to the Valuation in the *King*'s Books; for ſo it was unanimouſly reſolved by the Court of Common Pleas, 23 *Car.* 2; and before that, 8 *Car.* 1. by the ſame Court, in the caſe of *Drake* and *Hill*: which therefore is at this day taken for Law, notwithſtanding the two more ancient Opinions to the contrary; one in *Dyer*, 7 *Eliz.* and the other in the Caſe of *Bond* and *Tricket*, 43 *Eliz.*

Jones (T.) 19.
3 Cro. 456.

[x] **Any other.**] It is not material, of what Value the *ſecond* Church is, or whether rated in the King's Books at all; for the Voidance will take place equally when it is *under*, as when *above* 8 *l.*

4 Len. 237.
1 Cro. 351.

And it was reſolved, 36 *Eliz.* in the Court of King's Bench, that if there be two Parſons of one Church, and each of them hath the entire Cure of the Pariſh, and each of the Benefices be of the Value of 8 *l.* *per annum*; if one dieth, and the other ſucceeds, this is a *Plurality* within the Statute.

4 Rep. 79. a.
Mo. 443, 448.

[y] **Inſtituted and Inducted.**] Altho' the Expreſſion is *copulative*, and ſhould therefore imply, that the Voidance which follows thereupon, doth not take place till *after Induction*; yet hath it been often adjudged, that if one is Inſtituted, and then obtains Diſpenſation, and after that is Inducted, the Diſpenſation came *too late*; not only becauſe by Inſtitution the Church is *full* of the Incumbent, and one cannot have a Diſpenſation to *take* or *receive* (as the Words of the Act are,) what he had *before*; but alſo becauſe by Inſtitution he hinders others from being Preſented; and ſo, by obtaining Inſtitution to many Churches, with Sequeſtration of the Profits of them, the *Intent* of this Statute might be utterly fruſtrated.

[z] **To be void.**] It appears by the foregoing Conſtitution of the Council of *Lateran*, under *Innocent* III. (which Council is not only acknowledged to have been received in *England*, but is ſaid to be *as forcible as an Act of Parliament*;) and alſo from the Confirmation thereof by Archbiſhop *Peccham*, that, of what Value ſoever the firſt Benefice was, the Incumbent, by taking of a ſecond, was (by the Laws of the Church) *ipſo Jure* deprived of the firſt; and that the Benefice became *void*, ſo as the Patron *might* Preſent, without any Sentence of Deprivation. And ſo far the Canon, and Common Law, agree. But whereas, by the foreſaid Conſtitution of *Lateran*, *Lapſe* was to incur, if he did not Preſent *within the ſix Months*; we are told, that, by Order of the Common Law, tho' the Patron *may Preſent* if he will, yet no Lapſe incurs, if he do *not Preſent*; unleſs the Biſhop void the Church by Sentence Declaratory, and give notice thereof to the Patron; and then it is agreed, on all hands, that the Patron *muſt* Preſent at his Peril, within the ſix Months.

Latch. 248.
Hardr. 101.

Mo. 542.
Jones (W.) 336, 337.
2 Rolle, Abridg. 364.
Godb. 23.

The Benefices, therefore, which are under 8 *l.* *per an.* in the King's Books, being not within this Statute, but remaining upon the ſame foundation of Common and Canon Law, as they did before; are ſaid (for the Reaſons above-mentioned) to be only *Voidable*, by the Acceptance of a ſecond Benefice.

But now, by this Statute, if the firſt Benefice be of the Value of 8 *l.* or above; by the Acceptance of a ſecond it is *actually void* to all Intents and Purpoſes; and the Patron (without expecting notice from the Ordinary) muſt Preſent within ſix Months, to avoid the Lapſe.

Plurality of Benefices.

X. And that it ſhall be lawful for every Patron, having the Advowſon thereof, to preſent another, and the Preſentee to have the benefit of the ſame, in ſuch like manner and form, as though the Incumbent had died or reſigned; any Licence, *a* Union, or other Diſpenſation to the contrary hereof obtained notwithſtanding.

—and the firſt ſhall be void.

All Diſpenſations, *&c.* contrary to this Act, ſhall be void.

And that every ſuch Licence, Union, or Diſpenſation, had, or hereafter to be obtained contrary to this preſent Act, of what name or names, quality or qualities ſoever they be, ſhall be *aa* utterly void and of none effect.

Any Perſon who by Diſpenſation from *Rome* ſhall receive more Benefices, than are limited by this Act,

—ſhall forfeit 20 *l.* and the Profits of the Benefice he receiveth.

XI. And if any perſon or perſons, at any time after the firſt day of April, in the year of our Lord God, M. D. and xxx. contrary to this preſent Act, procure and obtain at the Court of Rome, or elſewhere, any Licence or Licences, Union, Toleration or Diſpenſation, to receive and take any *b* mo Benefices with Cure than is above limited, or elſe at any time after the ſaid day *c* put in execution any ſuch Licence, Toleration or Diſpenſation, before that obtained contrary to this Act; that then every ſuch perſon or perſons, ſo after the ſaid day ſuing for himſelf, or receiving and taking ſuch Benefice by force of ſuch Licence or Licences, Union, Toleration or Diſpenſation, that is to ſay, the ſame perſon or perſons only, and none other, ſhall for every ſuch default incur the danger, pein and penalty of xx. li. ſterling, and alſo loſe the whole Profits of every ſuch Benefice or Benefices as he receiveth or taketh by force of any ſuch Licence or Licences, Union, Toleration or Diſpenſation: The one half of which Forfeiture to be to the King our ſovereign Lord, and the other half to him that will ſue for the ſame by original Writ, Bill, Plaint of Debt, or Information in any of the King's Courts; in which Action and Suit, no Wager of Law, Eſſoin or Protection for the Defendant, ſhall be admitted or allowed.

This Act ſhall not deprive any, who, before *April* 1, ſhall be poſſeſſed of Benefices, *to* or *under* four,

XII. Provided always, that this Act concerning the not keeping mo Benefices with Cure of Souls than one, extend, ne be prejudicial, to any perſon or perſons, which at any time before the ſaid firſt day of April, in the year of our Lord God, M. D. and xxx. ſhall be really intituled or poſſeſſed of any ſuch Benefices with Cure of Soul, as concerning or touching any of the ſaid Benefices, whereof they ſhall then be already really intituled or poſſeſſed before the ſaid day, to or under the number of four, and not above. And if any ſuch ſpiritual perſon or perſons, ſo being intituled or poſſeſſed of mo Benefices with Cure of Soul than four, do not by the

3 Salk. 382.

a **Union.**] This is meant of *temporary* Unions for the life of the Incumbent; the inſtances of which are common, both before and ſince the Reformation.

Dyer, 327.

aa **Utterly void.**] An. 15 & 16 *Eliz.* the Caſe was this: One being poſſeſſed of two Benefices by Diſpenſation according to this Statute, did afterwards by a *Trialtie* (or a Diſpenſation to hold *three,*) obtain a third Benefice, and enjoyed all the three; and *Dyer* ſays, that divers Juſtices and Serjeants were of Opinion, that the *firſt* of the three was void, and the Profits of the *third* forfeited by this Clauſe; and that only the *ſecond* remained to him.

Noy, 149.

Alſo, in the Caſe of the King againſt the Biſhop of *Wincheſter*, where one had two Benefices with Cure, by Diſpenſation, and then took a third with Cure (and, I ſuppoſe, *without* Diſpenſation;) it is ſaid to have been adjudged, that both the two firſt ſhould be void.

Hob. 158.

And the Words of *Hobart* are, "I hold, if a Man take "a *Trialty*, which is not allowed him, he cannot by that "take two Benefices, becauſe his Diſpenſation is void."

Clem. l. 3. t. 2. c. 3. *Gloſſ. Not. quod.*

The rule of the Canon-Law is, *Si alicui habenti duo Beneficia incompatibilia, ex Diſpenſatione conferatur tertium, & habuerit pacificam poſſeſſionem illius tertii, ipſo facto vacant duo primæ.*

If a third Benefice is to be taken by one who already holds two by Diſpenſation, the beſt Way is to conſider which of the two he would hold with the third, and to make the other void by *Reſignation*, before he accepts the third.

b **Mo Benefices.**] In the Catalogue of Faculties which were grantable at *Rome* in the times of Popery, (beſides the common Diſpenſations to hold 2, 3, or 4 *Beneficia Incompatibilia,*) are the three that follow;

Diſpenſatio ad quæcunque & quotcunque *Beneficia Incompatibilia,*

1. ad valor'. 500 l. per ann.
2. ad valor'. 1000 l. per ann.
3. abſque ullâ reſtrictione:

the Price of each riſing gradually, according to the Degree of *Favour*, and *Profit*. And how much the *Practice*, as well as *Law*, of holding Pluralities, was altered by this Statute, from what it was while the Right of Diſpenſation reſted in the Pope; will appear from a remarkable Catalogue of Pluraliſts in the time of Archbiſhop *Winchelſea*. This Catalogue was taken, and enter'd, upon a Controverſy depending between the ſaid Archbiſhop and the Biſhop of *Lincoln*, concerning the *Probate* of ſuch Wills, where the Deceaſed died poſſeſſed of Goods *in ſeveral Dioceſes*. Which being the Caſe of many Pluraliſts; the Archbiſhop, on this occaſion, drew out a Liſt of all ſuch Wills of Pluraliſts, as had been proved by his Predeceſſor Archbiſhop *Peccham*; and out of that, the remarkable Catalogue that follows, is extracted:

Regiſtr. *Winch.* f. 34. a. *&c.*

	Benefices.	in Dioceſes.
Hugo de Clare ——— ———	13	9
Mr. Galfridus Haſpai ———	15	8
Mr. Radulphus de Frenigham ———	9	2
Mr. Henr. Sampſon ——— ———	6	2
Adam de Stratton ——— ———	23	6
Malcolmus de Harle ———	5	4
Mr. Thomas de Sudingtone ———	4	2
Mr. Galfridus de Newland ———	4	2
Mr. Adam de Walton ———	6	2
Adam de Blechyngleye ———	5	4
Adam Pain ——— ———	13	8
Will. de Brunton ——— ———	10	6
Hugo de la Penne ——— ———	6	4
Petrus de Wyntes ——— ———	8	5
Will. de Percy ——— ———	5	3
Rog. de la Ley ——— ———	5	2
Mr. Johan. de Sicca villa ———	5	5
Henricus de la Souche ——— ———	5	3
Ingerandus de Broks ———	4	2
Radulphus de Bonn ——— ———	5	3
Dom. Rogerus Baret ——— ———	6	5
Steph. de Bokeland ———	5	4
Will. de Monteforti ———	7	5

c **Put in Execution.**] Diſpenſations were granted heretofore for ſuch a *number* of Benefices, without *Specification*; and ſometimes, with an additional Power to *Exchange*, and take others; only, keeping within the number, in point of poſſeſſion *at one and the ſame time*. But the later, and ſafer way, hath been, to grant Diſpenſation only for preventing the Voidance of a Benefice in poſſeſſion, by the taking of a ſecond, according to the tenor of Sect. 9; however the 13th and following Sections may be *capable* of a *larger* Interpretation.

Plurality of Benefices.

—but all *above* four ſhall be given up, and void.

ſaid firſt day of April, clearly, and without yearly Penſion, reſign, or otherwiſe give up all and every ſuch Benefices and Benefice as he ſhall be ſo intituled and poſſeſſed of, above the ſaid number; that then it ſhall be lawful for every Patron, having the Advowſon of any ſuch Benefice, over the number aforeſaid, to preſent another, and the Preſentee to have the benefit of the ſame, in like manner and form as though it had been void by Death or Reſignation of the Incumbent; any Licence, Union or other Diſpenſation to the contrary hereof obtained notwithſtanding. And this Clauſe of Preſentation to be taken and underſtood of ſuch Benefices with Cure of Soul, as were given to any ſuch ſpiritual perſon, after the ſaid number of four Benefices with Cure furniſhed and fulfilled.

Spiritual Perſons of the King's Council may have Diſpenſation for 3 Benefices,
—and all Chaplains of King, Queen, and Royal Family, for 2.

XIII. Provided alſo, That all Spiritual Men now being, or which hereafter ſhall be, of the King's Council, may purchaſe Licence or Diſpenſation, and take, receive and keep three Parſonages or Benefices with Cure of Soul, and that all other being the King's Chaplains, and not ſworn of his Council, the Chaplains of the Queen, Prince or Princeſs, or any of the King's Children, Brethren, Siſters, Uncles or Aunts, may ſemblably purchaſe Licence or Diſpenſation, and receive and keep two Parſonages and Benefices with Cure of Soul.

Chaplains, qualified to purchaſe Diſpenſation,
—of Archbiſhops, and Dukes—6.
—Marqueſs and Earls—5.

XIV. And in like wiſe, that every Archbiſhop and *d* Duke may have ſix Chaplains, whereof every one of them may purchaſe Licence or Diſpenſation, and take, receive and keep two Parſonages or Benefices with Cure of Soul.

XV. And that every Marqueſs and Earl may have five Chaplains, whereof every one may purchaſe Licence or Diſpenſation, and take, receive and keep two Parſonages or Benefices with Cure of Soul.

—Viſcounts and Biſhops—4.

XVI. And that every Viſcount and other Biſhop may have four Chaplains, whereof every one may purchaſe Licence, and receive, have and keep two Parſonages or Benefices with Cure of Soul, as is aforeſaid.

—Lord Chancellor, Barons, and Knights of the Garter—3.

XVII. And that the Chancellor of England for the time being, and every Baron and Knight of the Garter, may have three Chaplains, whereof every one ſhall now purchaſe Licence or Diſpenſation, and receive, have and keep two Parſonages or Benefices with Cure of Soul.

—Noble women being Widows,—2.

XVIII. And that every Dutcheſs, Marchioneſs, Counteſs and Baroneſs, being Widows, may have two Chaplains, whereof every one of them may purchaſe Licence or Diſpenſation to receive, have and keep two Benefices with Cure of Soul.

—Treaſurer, Comptroller, Secretary, Dean of the Chapel, Almoner, Maſter of the Rolls,—2.
—Lord Chief Juſtice, and Warden of the Ports, 1.

XIX. And that the Treaſurer and Comptroller of the King's Houſe, the King's Secretary, and Dean of his Chapel, the King's Amner, and Maſter of the Rolls, may have every of them two Chaplains; and the Chief Juſtice of the King's Bench, one Chaplain; and the Warden of the five Ports for the time being, one Chaplain; whereof every one may purchaſe Licence, and receive, have and keep two Parſonages or Benefices with Cure of Soul.

—alſo, Brethren, and Sons, of Temporal Lords, and Knights, may hold 2 Livings.

XX. And that the Brethren and Sons of all Temporal Lords, which are born in Wedlock, may every of them purchaſe Licence or Diſpenſation to receive, have and keep as many Parſonages or Benefices with Cure, as the Chaplains of a Duke or an Archbiſhop.

XXI. And likewiſe the Brethren and Sons born in Wedlock of *e* every Knight, may every of them purchaſe Licence or Diſpenſation, and receive, take and keep two Parſonages or Benefices with Cure of Soul.

Chaplains ſhall be bound to exhibit Letters under the Seal of their Lord.

XXII. Provided always, That the ſaid Chaplains ſo purchaſing, taking, receiving and keeping Benefices, with Cure of Soul, as is aforeſaid, ſhall be bound to have and exhibit, where need ſhall be, Letters under the *f* Sign and Seal of the King, or other their Lord and Maſter, teſtifying whoſe Chaplains they be; and elſe not to enjoy any ſuch Plurality of Benefices by being ſuch Chaplain, any thing in this Act notwithſtanding.

Doctors and Batchelors of Divinity and Law, in the Univerſities, may have two Benefices

XXIII. Be it alſo provided, That all Doctors and Bachelors of Divinity, Doctors of Law and Bachelors of Law Canon, and every of them, which ſhall be admitted to any of the ſaid Degrees by any of the Univerſities of this Realm, *g* and

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4 Rep. 119. a.

d **Duke, Earl, Viſcount, Baron.**] Altho' they be *Minors*, and under age, yet may they retain Chaplains within this Act; as was adjudged in the Caſe of the Queen and the Biſhop of *Saliſbury*; even tho' the Lord Admiral, in whoſe Cuſtody the Minor was, might retain Chaplains in his *own right*.

4 Rep. 90. a.

But if the Son and Heir apparent of a Baron, *&c.* retain a Chaplain, and his Father dieth, and the Chaplain purchaſeth Diſpenſation; ſuch Retainer will not avail, becauſe it was not available *at the beginning*.

And if the Perſon who retained, dies, or is removed, or is attainted, before any *effect* of the Retainer; it is gone, and ſhall have no effect afterwards; but if it taketh effect *before*, it continues good, notwithſtanding Death, or Attainder, or Removal.

e **Every Knight.**] But not the Brethren, or Sons, of *Baronets*; which Dignity hath been created *ſince* the making of this Act.

Godb. 41.
1 Salk. p. 162.

f **Sign and Seal.**] And therefore where the Letters were *ſealed* only, and not *ſigned*, the Perſon was adjudged not to be Chaplain within this Statute.

Littl. p. 1.

And when a *Copy* of the Letters of Retainer out of the Court of Faculties, was offered in Evidence, that the Perſon was actually Chaplain, according to the tenor thereof; it was not allowed by the Court; but ſaid, that the Oath of any Perſon who had ſeen the Letters under *hand and ſeal*, would have been good Evidence in that caſe, by reaſon the Plaintiff was a Stranger to it.

g **And not by Grace only.**] This ſeems to be explained, by a like Expreſſion in another Statute (14 *H.* 8. c. 5. §. 3.)

Plurality of Benefices.

not by Grace only, may purchaſe Licence, and take, have and keep two Parſonages or Benefices with Cure of Soul; ſo that always the ſaid liberty by any of the proviſions aforeſaid given to any of the ſaid Counſellors, Chaplains, and other perſons before ſpecified, to purchaſe Licence or Diſpenſation, and take, receive and keep mo Benefices than one, after the manner and form aforeſaid, be taken and underſtood to extend in number to no mo Benefices with Cure of Soul, than is above limited, accompting in the ſame, and as parcel thereof, ſuch Benefices with Cure of Soul, as any the ſaid perſons ſhall have in real title, or in their poſſeſſion, at the ſaid firſt day of April, in the year of our Lord M. D. and xxx.

XXIV. Provided alſo, That every Archbiſhop, becauſe he muſt occupy eight Chaplains at Conſecrations of Biſhops, and every Biſhop, becauſe he muſt occupy ſix Chaplains at giving of Orders, and Conſecration of Churches, may every of them have two Chaplains over and above the number limited unto them, whereof every one may purchaſe Licence or Diſpenſation, and take, receive and keep as many Parſonages and Benefices with Cure of Soul, as is before aſſigned to ſuch Chaplains.

Archbiſhop, in order to Conſecrations, and Biſhop for Ordinations, *&c*, may have 2 more Chaplains each, than the number aboveſaid.

XXV. Provided alſo, and be it enacted by the Authority aforeſaid, That no perſon or perſons, to whom any *h* number of Chaplains, or any Chaplain, by any of the proviſions aforeſaid is limited, ſhall in any wiſe, by colour of any of the ſame proviſions, advance any ſpiritual perſon or perſons, *i* above the number of them appointed, to receive or keep any mo Benefices with Cure of Soul, than is above limited by this Act; any thing ſpecified in the ſaid proviſions notwithſtanding: and if they do, then every ſuch ſpiritual perſon and perſons, ſo advanced above the ſaid number, to incur the pain and penalty contained in this Act.

No Perſon ſhall qualify more Chaplains than the number limited.

XXIX. Provided, alſo, That it ſhall be lawful to every ſpiritual perſon or perſons, being *ii* Chaplains to the King our Sovereign Lord, to whom it ſhall pleaſe his Highneſs to give any Benefices or Promotions ſpiritual, to what number ſoever it be, *k* to accept and take the ſame, without incurring the danger, penalty and forfeiture in this Eſtatute compriſed. —— any thing in this Act contained to the contrary notwithſtanding.

Chaplains of the King may accept as many Benefices, as the King ſhall give.

XXXI. Provided alway, That no Deanry, Archdeaconry, Chancellorſhip, Treaſurerſhip, Chanterſhip or Prebend in any Cathedral or Collegiate Church, nor Parſonage that hath a Vicar endowed, nor any Benefice perpetually appropriate, to be taken or comprehended under the name of Benefice having Cure of Soul, in any Article afore ſpecified.

No Dignity, nor Parſonage with Vicar endowed, ſhall be taken for a Benefice.

XXXIII. Provided always, That every Dutcheſs, Marchioneſs, Counteſs, Baroneſs, Widows, which have taken, or which hereafter ſhall take, any Husbands under the degree of a Baron, may take ſuch number of Chaplains, as is above limited to them *kk* being Widows; and that every ſuch Chaplain may purchaſe Licence, to have and take ſuch number of Benefices with Cure of Soul, and have like liberty of Non-reſidence, in manner and form as they might have done if their ſaid

Noble Women, being Widows, and marrying Commoners, may continue to keep Chaplains, with Benefit of Plurality. and Non-Reſidence.

c. 5. §. 3.) entituled, *The Privileges and Authority of Phyſicians in London*; by which, Proviſion is made for the *Examination* of Phyſicians by the Preſident and Elects; *Except he be a Graduate of* Oxford *or* Cambridge, *which hath accompliſhed all things for his form, without any Grace*; *i. e.* (as I conceive) hath performed the *Statutable Exerciſes*, in order to ſuch Degree, without any Favour or Diſpenſation therein.

Godb. 42.

h **Number of Chaplains.**] An. 28 *Eliz.* in the Caſe of the Queen and *Savacre*, it was held by the Court, that altho' a Chaplain be removed from the *domeſtical* Service of the Family, he remains Chaplain at large, and ſo a Chaplain within this Statute.

4 Rep. 89. b.
Mo. 277.
Sav. 102.
Littl. 1.

i **Above the number.**] Altho' a Chaplain retained *above* the number, be promoted before thoſe who were duely retained according to Statute; ſuch Retainer (above the number) ſhall neither avail *him*, nor diveſt thoſe who were duely retained of the Right of purchaſing Diſpenſation: nor ſhall he ever have benefit by his Retainer (even tho' the reſt are dead,) unleſs it be renewed upon the *death* of one of thoſe who made up the ſtatutable number. Inaſmuch as the Retainer was null *ab initio*, and a Chaplain once legally qualified, cannot be *diſcharged* at pleaſure, to make way for others.

4 Rep. 90. a.

If a Baron, who by the Statute may retain three Chaplains, be made Warden of the *Cinque-Ports*, &c. (who may have a Chaplain in reſpect of his *Office*,) yet ſhall he have but *three*. And if a Baron have three, and be made an Earl, yet he ſhall have but five in all; and ſo of the reſt: becauſe the Statute is to be taken *ſtrictly* againſt Pluralities.

1 Salk. 162.
2 Raymond, p. 79.

ii **Chaplains to the King.**] It was reſolved, by the Court of King's Bench, That a Chaplain Extraordinary is not a Chaplain within this Statute, but only the Chaplains in Ordinary; that is, not one who has only an Entry of his Name made in the Book of Chaplains, but one who has alſo a Waiting-time.

Ibid. 161.

k **To accept and take the ſame.**] Without previous Diſpenſation; which the King himſelf, as Supreme Ordinary, has power to grant, and his Preſentation of his own Chaplain imports the granting of it. But if the King's Chaplain be Preſented to a ſecond Benefice by a Subject, a Diſpenſation is neceſſary, and muſt be obtained before his Inſtitution to the ſecond Living.

4 Rep. 119. a.
Mo. 678.

kk **Being Widows.**] And tho' they marry, the Retainer before Marriage ſtands good, and ſhall have it's Effects after Marriage. If they marry *under* the degree of a Baron, they are ſpecially provided for, in Sect. 33; and if they marry a Baron, or above that Degree, my Lord *Coke* has laid down the Law, in the following Words: "If a "*Woman Baroneſs* retaineth two Chaplains according to the "Statute, and afterwards taketh one of the Nobility to "Husband, the Retainer of theſe two Chaplains remaineth, and they, without new Retainer, may take two "Benefices; for their Retainer was not ended by the Mar"riage.

Ladies and Miſtreſſes had kept themſelves Widows: Any thing in this preſent Act contained to the contrary notwithſtanding.

1, 2 Phil. & Mar. Cap. 8.

A.D. 1554.

An Act, Entituled, *An Act repealing all Articles and Proviſions made againſt the See Apoſtolick*, &c.

Rehearſal of the foregoing Act,

§. III. Where in the Parliament begun and holden at Weſtminſter, in the xxi. year of the Reign of the late King of moſt famous memory King Henry VIII. one Act was then and there made againſt Pluralities of Benefices, for taking of Farms by ſpiritual Men, and for Non-reſidence; in the which Act amongſt other things it was ordained and enacted, That if any perſon or perſons, at any time after the firſt day of April in the year of our Lord God 1530. contrary to the ſame Act, ſhould procure and obtain at the Court of Rome or elſewhere, any Licence or Licences, Union, Toleration or Diſpenſation, to receive or take any more Benefices with Cure than was limited and appointed by the ſame Act: Or elſe at any time after the ſaid day, ſhould put in execution any ſuch Licence, Toleration or Diſpenſation, before that time obtained contrary to the ſaid Act: that then every ſuch perſon or perſons, ſo after the ſaid day ſuing for himſelf, or receiving and taking ſuch Benefice by force of ſuch Licence or Licences, Union, Toleration or Diſpenſation, that is to ſay, the ſame perſon or perſons onely, and none other, ſhould for every ſuch default incur the danger, pain and penalty of xx. li. ſterling, and ſhould alſo loſe the whole profits of every ſuch Benefices as he receiveth or taketh by force of any ſuch Licence or Licences, Union, Toleration or Diſpenſation: —— Be it enacted by Authority of this preſent Parliament, That as much of the ſaid Act as concerneth the Articles and Clauſes aforeſaid, and all and every the Words and Sentences contained in the ſaid Act, concerning the ſaid Articles and Clauſes, and every of them, ſhall from henceforth be [l] repealed, adnulled, revoked, adnihilated and utterly made void for ever; any thing in the ſaid Act to the contrary in any wiſe notwithſtanding.

—and the Repeal thereof.

[l] **Repealed.**] This Act, thus repealed, was not revived by 1 *Eliz.* but the Stat. 25 *Henr.* 8. c. 21. was then revived *by Name*; and in virtue of that Reviver, and of the following Clauſe in the Act ſo revived, doth the preſent Act ſubſiſt, and remain in force, notwithſtanding the ſaid Repeal.

25 Henr. VIII. Cap. 21.

A.D. 1533.

In an Act, Entituled, *An Act concerning Peter-pence and Diſpenſations.*

Stat. 25 *H.* 8. c. 21. ſhall not any way alter Stat. 21. *Henr.* 8. c. 13, concerning Pluralities, *&c.*

§. XXI. Provided alſo, That this preſent Act, or any thing therein contained, or any Licence or Diſpenſation hereafter to be made by virtue and authority thereof, ſhall not extend to the repeal or derogation of the late Act made ſith the beginning of this preſent Parliament, for reformation of Pluralities of Benefices, and for Non-reſidences of ſpiritual perſons upon their Dignities or Benefices, nor to any things contained or mentioned in the ſaid Act; nor that this Act, nor any thing to be done by authority thereof, ſhall not be taken, expounded, nor interpreted to give Licence to any perſon or perſons to have any more number of Benefices than is limited in the ſaid Act. And that the ſame Act for Pluralities and Non-reſidences of Benefices, and every thing therein contained, ſhall ſtand good and effectual in all intents, according to the true meaning thereof, any thing in this preſent Act, or any Licence or Diſpenſation to be had by authority thereof in any wiſe notwithſtanding.

CANONS 1603.

1 Jac. 1.

xli. *Licences for Plurality of Benefices, limited, and Reſidence enjoyned.*

None ſhall have Diſpenſation for a Plurality, unleſs he be Maſter of Arts, and a Licenſed Preacher.

[m] NO Licence or Diſpenſation for the keeping of more Benefices with Cure than one, ſhall be granted to any, but ſuch only as ſhall be thought very well worthy [n] for his Learning, and very well able and ſufficient to diſcharge his Duty; that is, who ſhall have taken the Degree of a Maſter of Arts at the leaſt in one of the Univerſities of this Realm, and be a publick and ſufficient [o] Preacher Licenſed. Provided always, That he be by a

good

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[m] **No Licence.**] This Canon is taken, from the Articles of 1584, and *(immediately)* from the Conſtitutions of 1597.

[n] **For his Learning.**] So is the tenor of the *Lateran* Council under *Innocent* III. by way of Exception (and it is the *only* Exception) from the *general* Rule againſt Pluralities; *Circa ſublimes tamen, & literatas perſonas, quæ majoribus ſunt Beneficiis honorandæ, per Sedem Apoſtolicam poterit diſpenſari.*

Extra. l. 3. t. 5. c. 28. *De Præb.*

[o] **Preacher licenſed.**] With regard to his being thus qualified (which in thoſe days was not a *common* Qualification,) there is uſually the following Proviſo, in the Body of the Diſpenſation: *Quòd in qualibet prædictarum Eccleſiarum, tum eâ quâ majorem ob partem te abeſſe contigerit, tum alterâ, in quâ perpetuam & perſonalem Reſidentiam feceris,* treſdecim *quotannis* Conciones, *juxta Ordinationes Eccleſiæ Anglicanæ editas in eâ parte, habeas, ipſiſque Sacrum Dei verbum ſincerè, religiosè, & reverenter tractes.*

Plurality of Benefices.

good and *p* ſufficient Caution bound to make his perſonal Reſidence in each his ſaid Benefices for ſome reaſonable time in every year: and that the ſaid Benefices be not more than *q* thirty miles diſtant aſunder: and laſtly, *qq* that he have under him in the Benefice where he doth not reſide, a Preacher lawfully allowed, that is able ſufficiently to teach and inſtruct the People.

Reaſonable Reſidence ſhall be kept at each of the Benefices,
— which ſhall not be above thirty miles diſtant,
— and there ſhall be a Preacher, where the Incumbent reſides not.

p **Sufficient Caution.**] In every Diſpenſation to hold two Benefices, there is a Proviſo of the following tenor: *Ut in eodem Beneficio, à quo te magis abeſſe contigerit, per* duos menſes *quotannis Hoſpitalitatem exerceas*, &c; and that Proviſo being evidently founded on this Canon, every Pluraliſt who doth not obſerve it, is puniſhable by *Eccleſiaſtical Cenſures.*

q **Thirty Miles.**] So was the diſtance fixed, in the *Articuli pro Clero*, ann. 1584; and again in the Conſtitutions of 1587; but in the Canons of 1571, the diſtance aſſigned was only 26 miles.

Heretofore, it was uſual to obtain Licence from the King, to take two Benefices *beyond* the diſtance of 30 miles, by way of Diſpenſation with this Canon; and, in ſuch caſes, we find this Clauſe in the Faculties granted by the Archbiſhop, *Licentiâ Regiâ pro diſtantiâ extra triginta milliaria priùs nobis conceſſâ*, or the like; by reaſon of which Licence and Clauſe, they have been uſually called *Royal Diſpenſations:* but none of theſe have been granted by King *William* and Queen *Mary*, or Queen *Anne.*

1 *W.* & *M.* Seſſ. 2. c. 2.

In the caſe of **Statutes** (to mention thus much by the way) this Practice is expreſly prohibited, in an Act, entituled, *An Act declaring the Rights and Liberties of the Subjects.* —— **And be it further declared and Enacted, by the Authority aforeſaid, That from and after this preſent Seſſion of Parliament, no Diſpenſation by** Non obſtante, **of or to any Statute, or any part thereof, ſhall be allowed; but that the ſame ſhall be held void and of none effect; except a Diſpenſation be allowed of in ſuch Statute.**

qq **That he have under him.**] In purſuance of this *Canon* (and not of any thing in the Statute,) the following Clauſe is become part of the Faculty or Diſpenſation, *Proviſo etiam ſemper, quòd illius Eccleſiæ Curæ, à quâ te maximè abeſſe contigerit, per* Miniſtrum aliquem idoneum, *qui aptus ad explicandum & interpretandum Chriſtianæ Religionis principia, verbumque Dei populo annuntiandum (modò* Facultates *ejuſdem Eccleſiæ talem commodè ſuſtinere poſſint,) laudabiliter intereà per omnia deſerviatur.*

1 Jac. 1.

CANONS 1603.

In Can. xlvii. Entituled, *Abſence of Beneficed men to be ſupplied by Curates*, &c.

—Whoſoever hath two Benefices, ſhall maintain a Preacher Licenſed, in the Benefice where he doth not Reſide, except he Preach himſelf at both of them uſually.

Pluraliſt ſhall have Preaching Curate, unleſs he ſerve both Churches.

A.D. 1670.

22, 23 Car. II. Cap. 5.

In an Act, Entituled, *An Act for laying Impoſitions on Proceedings at Law.*

EXP.

LVIII. **For every Diſpenſation to hold two Eccleſiaſtical Dignities, or both a Benefice and a Dignity,** xv. s.

Duty for Diſpenſation — 15 *s.*

CXX. **And the ſaid Duty for every Diſpenſation, Faculty and Licence as aforeſaid, which ſhall be paſſed by the Lord Archbiſhop of** Canterbury, **or the Maſter of the Faculties, ſhall be received by the ſaid Maſter of the Faculties for the time being.**

—which Duty ſhall be received by the Maſter of the Faculties.

A.D. 1693.

5, 6 Will. & Mar. Cap. 21.

In an Act, Entituled, *An Act for granting to their Majeſties ſeveral Duties*, &c.

VIII. **For every Skin or piece of Vellum or Parchment, or Sheet or piece of Paper, on which any Diſpenſation to hold two Eccleſiaſtical Dignities or Benefices, or both a Dignity and a Benefice, or any other Diſpenſation or Faculty from the Lord Archbiſhop of** Canterbury, **or the Maſter of the Faculties for the time being, ſhall be ingroſſed or written, the Sum of** xl. s.

Stamp-duty upon Diſpenſations, 2 *l.*

A.D. 1699.

9 10 Will. III. Cap. 25.

In an Act, Entituled, *An Act for granting to his Majeſty, his Heirs and Succeſſors, further Duties upon Stampt Vellum, Parchment, and Paper.*

§. I, —— VIII. **Be it enacted, that —— there ſhall be raiſed, collected and paid unto his Majeſty, his Heirs and Succeſſors, * for ever (over and above the Rates and Duties, and Sums of Money, now due and payable to his Majeſty —) For every Skin or piece** —— †

* By 5, 6 *W.* & *M.* for 4 *years only.*

† The reſt is the ſame, word for word, as before in 5, 6 *W.* & *M.* c. 21.

Stamp for every Diſpenſation, ſhall be 40 *s.* over and above the former 40 *s* (in all, 4 *l.*) —(2 *l.* more, 12 *Annæ*; in all 6 *l.*)

CAP. II.

Of COMMENDAMS.

OTHOBON.

A.D 1268. 52 *H.* 3.

Summarium.

Univerſas Eccleſiarum Commendationes hactenus quibuſcunque factas, niſi ex evidenti utilitate unius tantum Eccleſiæ Commendatio facta ſit, penitùs revocat, & ipſas extunc vacare decernit; Collatoribus earum diſtrictè mandans, ut eas infra duos menſes aliis conferant, aliter Collatio ad Sedem Apoſtolicam devolvatur. Deinceps autem nulla cuiquam commendetur, niſi cauſa juſta & legitima id expoſcat. Nec commendetur habenti ultra unum Beneficium cum cura Animarum, neque plures Eccleſiæ uni perſonæ. Quod autem ſecus fieri contigerit, invalidum ſit. Epiſcopus verò contra dicta commendans, donec Commendationem revocaverit, à Collatione ſeu Præſentatione Beneficiorum quorumlibet ſit ſuſpenſus.

The great Evil of Covetouſneſs,

— eſpecially in Clergymen;

Of Commendams.

Othob. Edit. Oxon. p. 130.

† Statutæ Iraſcibilitatis. *MS.*

MIſerabilis humanæ dignitatis caſus ita concupiſcentiæ fræna laxavit, ut recuſſo acumine Rationis & contra mala † ſtatutâ irrationabilitatis virgâ comminutâ, nihil putetur iniquum, quod inexplebilia vaſa cupiditatis videatur influere: nihil inhoneſtum, quo avaritiæ paretur cibus eſuriem non imminuens, ſed augmentans. Hæc ſi animos ſimplicium obſident, dolendum eſt in uno genere hominum, qui Laici idcirco dicuntur, quòd cum popularibus ſunt miniſtris derelicti: ſed in illis in quibus Dominus pars eſt eorundem hæreditatis, qui hæreditatis ſuæ reſtitutionem ſibi debent à Domino præſtolari, qui Ducatu ſuo regere alios & gubernare tenentur, hæc tantò amariùs & acerbiùs fienda conſpicimus, quantò iniquius committuntur in illis, & periculoſius tolerantur.

— who to avoid the Laws againſt Pluralities of Benefices, procure Commendams,

— to the great Decay of Piety and Hoſpitality,

Sanè inter adinventiones eorum qui fraudes contra ſuas Animas moliuntur, hanc maximè comperimus, Divini & humani Juris præſidia confundentem, quòd cum una Eccleſia unius debet eſſe Rectoris, ſicut & ratio dictat, & multiplicis Juris Statuta declarant; quidam tamen Rationis expertes, vel Juris regulas contemnentes, dum ad plurium Eccleſiarum occupationem velamen aliud non habentes, quoquo modo ditari feſtinent, vacantes Eccleſias ſibi [r] commendari procurant; amplectentes [s] Juris verba, non ſenſum, quod aliquando permittit unam habere Eccleſiam intitulatam, & aliam commendatam. Et cum juxta ſanum intellectum propter neceſſitatem vel utilitatem vacantis Eccleſiæ Jus Commendationis non tam præceptoriè quàm permiſſivè fuerit introductum, ipſi ad cupiditatis ſuæ lucrum omnia convertentes, in ipſarum Eccleſiarum diſſipationem, non ſolùm unam, ſed plures recipiunt commendatas. Inter multa verò pericula, quæ ex hac peſtifera factione proveniunt, advertimus Eccleſiaſticarum rerum diſpendia, Spiritualium negligentiam & contemptum certum inſeri; dum miſeri cupientes caſum in malum ſuum, quæ aliena eſſe debuerant, congregantes, aut in proprios luxus & pompas ſuperbiæ profundentes, quæ ſunt ad pauperum Eleemoſynam conſtituta. Hæc autem pro mole peccati, furta, rapinas, & filii in conſpectu patris victimationem excedere Divini Juris teſtimonio comprobantur.

— and the Sin of thoſe who grant them.

Nec præterit Divinum intuitum cæcitas concedentis, qui cum Eccleſiæ proſpicere debet, perſonam hominis accipit, cui non tam curandam ovem committit, quàm miſerabiliter devorandam. Quia igitur nec timorem Divini Judicii, nec Sacrorum Canonum intentionem ad coertionem talium ſufficere, vel proficere nunc uſque videntur:

All Commendams, above one, and unneceſſary, ſhall be void,

— and none granted, but with the like Limitations,

† Proſpicere, *MS.*

‡ *Ad eas,* deeſt *MS.*

Nos & Animarum ſaluti & Eccleſiarum ſtatui & indemnitati, curâ quâ poſſumus, ex Officii noſtri debito † proficere cupientes, univerſas Eccleſiarum Commendationes hactenus quibuſcunque factas, niſi ex evidenti utilitate unius tantum Eccleſiæ Commendatio facta ſit, penitùs Revocamus, & ipſas exnunc [t] vacare Decernimus; eis ad quos ipſarum Collatio, vel ‡ ad eas Præſentatio ſpectat, diſtrictè mandantes, ut infra duos menſes poſt præſentis Conſtitutionis noſtræ publicationem conferant ſeu præſentent; alioquin ipſarum Collatio ad Sedem Apoſtolicam devolvatur. In poſterum autem Prohibemus Eccleſiam quamlibet commendari, niſi juſta cauſa vel [u] legitima id expoſcat. Et ut omnibus verſutiis, adinventionibus, & fallaciis occurramus, Statuimus, nè cuiquam ultra unum cum cura Animarum Beneficium obtinenti Eccleſia commendetur, neque plures Eccleſiæ ali-

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[r] Commendari.] *Scil. Cuſtodiâ Eccleſiæ alicui conceſſâ; ita quòd Commendare ſit idem quod Deponere. — Quæritur, an habens Commendam ſit interim Prælatus Eccleſiæ? Dicunt omnes, quòd non; ſed* Procurator *tantum: habet tamen legitimam* Adminiſtrationem; *facere poteſt expenſas, ſumere alimenta, & ſolvere debita. —— An habens Eccleſiam Commendatam interim faciat* Fructos ſuos? *Dicunt* Inno. *&* Hoſti. *&c. quòd non; quaſi tantum* Cuſtos *ſit, nec* Jus *habeat in Eccleſiâ ſeu ejus Proventibus, niſi ad colligendum, gubernandum, & providendum miniſtris; ac ea quæ superſunt, in utilitatem Eccleſiæ convertendum, ad inſtar* Viſitatoris. *Sed Cardi. &c. tenet contrarium; quaſi plus ſit quàm Procurator, cùm habeat* Titulum Canonicum, *approbatum à Jure, conceſſum propter neceſſitatem vel utilitatem Eccleſiæ. Quod ſatis videtur verum; cùm ex hujuſmodi Titulo Canonico efficiatur bonæ fidei Poſſeſſor.* J. de Athon.

[s] Juris.] *Scil. Decreti Leonis iv. in hæc verba;* "Qui "plures Eccleſias retinet; unam quidem titulatam, aliam verò ſub Commendatione, retinere debet.

Cauſ. 21. q. 1. c. 3.

[t] Vacare.] *Ergò, anteà videtur Titulus* Occupationis Canonicæ; *cum Privatio præſupponit habitum.* J. de Athon.

[u] Legitima.] *Scilicet, propter neceſſitatem, vel utilitatem Eccleſiæ.* J. de Athon.

cui

Of Commendams.

cui perſonæ valeant commendari. Quòd ſi contra ea quæ ſalubriter hâc noſtrâ proviſione Statuta ſunt, Eccleſiæ Commendationem à quoquam, & cuiquam in locis noſtræ Legationis fieri contigerit, ipſam, & quicquid ex ea ſecutum fuerit, ipſo Jure Decernimus non valere. Epiſcopus verò qui commendationem contra præmiſſa fecerit, donec ipſam revocaverit, ipſo facto à Collatione ſeu Præſentatione Beneficiorum quorumlibet ſit ſuſpenſus.

— upon pain to be void,

— and the Biſhop ſuſpended from Collating and Preſenting.

A.D. 1279.
7 Edw. I.

JOHANNES PECCHAM.

In Conſt. *Auditis, &c.* Sub Tit. *De Præbendis.*

Lyndw. Edit. Oxon. p. 136.

— Decernimus etiam, & perpetuâ ſtabilitate firmamus, ut quicunque impoſterùm plura Beneficia Curam Animarum habentia, ſeu aliàs incompatibilia, abſque Sedis Apoſtolicæ diſpenſatione, receperit vel aſſecutus fuerit, per modum Inſtitutionis, vel Commendæ ſeu Cuſtodiæ, vel unum titulo Inſtitutionis, aliud titulo Commendæ vel Cuſtodiæ, præter modum illum quem w Conſtitutio Gregoriana, edita in Concilio Lugdunenſi, permittit; eo ipſo ſit privatus omnibus ſic obtentis Beneficiis, ipsóque facto Sententiâ Excommunicationis permaneat innodatus; à quâ non niſi per Nos, aut Succeſſores noſtros, vel Sedem Apoſtolicam, Abſolutionis gratiam valeat promereri.

Whoſoever ſhall hold two Benefices by Commendam, or one by Inſtitution and another by Commendam,

— ſhall be deprived of both.

Sext. Decretal. l. 1. t. 6. c. 15.

w Conſtitutio Gregoriana.] *i. e. Gregorii x. verbis, quæ ſequuntur:* "Nemo deinceps Parochialem Eccleſiam alicui "non conſtituto in ætate legitimâ, & Sacerdotio, Commen-"dare præſumat; nec tali etiam, niſi unam, & evidenti ne-"ceſſitate vel utilitate ipſius Eccleſiæ ſuadente. Hujuſmodi "autem Commendam (ut præmittitur) ritè factam, decla-"ramus, ultra *Semeſtris temporis* ſpatium non durare. Sta-"tuentes, quicquid ſecus de Commendis Eccleſiarum Paro-"chialium actum fuerit, eſſe irritum ipſo jure.

Rules of Canon *and* Common Law, *concerning* Commendams *granted to Biſhops.*

Extra. l. 1. t. 6. c. 7.

I. THE *Poſſeſſion of a* **Biſhoprick**, *doth of Common right* **void** *all other* **Promotions**. So is the ancient Law of the Church, as expreſſed in the Canon of the Council of *Lateran*, under *Alexander* III: *Cùm Epiſcopus electus fuerit, & Confirmationem Electionis acceperit, & Eccleſiaſticorum Bonorum Adminiſtrationem habuerit; decurſo tempore de* Conſecrandis *Epiſcopis à Canonibus definito, is ad quem ſpectant Beneficia quæ habebat, de illis diſponendi liberam habeat facultatem.* Agreeable to this (and, without doubt, derived from it,) are the Declarations that we meet with, every where in the Books of Common Law; *viz.* that *de Jure Communi*, all Promotions are vacated by the taking of a Biſhoprick, as ſuch; and that, not only Engliſh Promotions, by Biſhopricks in *England*; but likewiſe Engliſh Promotions, by Biſhopricks in *Ireland, & vice verſa*; and alſo by the Biſhoprick of the Iſle of *Man*. But the Law is otherwiſe, if one is a meer *titular* Biſhop, or a *Suffragan* Biſhop upon the Stat. 21 *H.* 8. c. 14.

Noy, 93.
Jones (Will.) 158.
Latch. 133.
Palm. 344.
Vaugh. 19.

II. *The Voidance may be prevented by Diſpenſation of* **Retainer**, *granted before Poſſeſſion of the Biſhoprick*; which is commonly called a **Commendam Retinere.** This, the Pope had Power to do, as claiming a Right to diſpoſe of all Promotions becoming void in that manner; and the ſame thing the King may do; either ſingly and by himſelf (as many of the Law-Books hold,) or at leaſt by Command to the Archbiſhop to exert the Right of Diſpenſation veſted in him by Stat. 25 *H.* 8. c. 21. as the *ordinary* method is. Which ſort of *Commendam* is defined by *Hobart*, A Faculty of Retention and Continuation of the Benefice in the ſame Perſon, and State, wherein it was; notwithſtanding ſomething intervening (as a Biſhoprick, or the like,) that without ſuch a Faculty would have avoided it. By which means, the Inſtitution and Induction, or other method whereby the Perſon obtained ſuch Beneſice, *remain* and are *continued* in their full force. And it being the Doctrin both of Canon and Common-Law, that former Promotions are not vacant, but by *Conſecration* in caſe of Creation, and by *Confirmation*, in caſe of Tranſlation; if ſuch Diſpenſation comes *before* theſe, it comes time enough to *continue the Poſſeſſion*; but otherwiſe, it comes too late. Thus, it is ſaid, in the Books of Common Law, that Cardinal *Beaufort*'s Diſpenſation to hold the Biſhoprick of *Wincheſter*, coming *after* he was made Cardinal, was void; but that Cardinal *Wolſey*'s, for the Archbiſhoprick of *York*, coming before, was good.

Vid. ſuprà under Tit. *Advowſons.*

Hob. 453, 457, 468.
1 Cro. 542.
Hob. 154.

Vide ſuprà, p. 114. Rule 2.

Noy, 93.
Jones (W.) 158.
Vaugh. 20.
Dav. 77, 80.

Not only Dignities and Benefices have been granted in *Commendam*, but alſo Headſhips of Colleges, and Hoſpitals, and that by Diſpenſation; as, of Headſhips, St. *John*'s in *Oxford* to Dr. *Mews* Biſhop of *Bath* and *Wells*; of *Magdalen* College, *Oxon*, to Dr. *Hough*, Biſhop of *Oxford*; of *Pembroke* College, to Dr. *Hall*, Biſhop of *Briſtol*: and of Hoſpitals, St. *Croſs* near *Wincheſter*, to Dr. *Compton*, Biſhop of *Oxford*; and St. *Oſwald*, near *Worceſter*, to Dr. *Fell*, Biſhop of *Oxford*.

1 Rolle, 463.
Mo. 899.

It hath been queſtioned heretofore, whether a Biſhop could take a *Commendam* in his *own Dioceſe*, becauſe the ſame Perſon cannot be *Viſitor*, and *Viſited*: but it was anſwered, that the Biſhop was under the Correction of the *Metropolitan*; and, accordingly, that he might have ſuch *Commendam*.

Hob. 143.

It hath been alſo queſtioned, whether a *Lapſe* might be made a *Commendam*; but that ſeems to be a groundleſs Nicety; ſince it is certain, that whoever hath right to *Preſent* by ſuch *Lapſe*, hath (by the ſame reaſon) a right to conſent, that it be granted in *Commendam perpetual*; which is *equivalent* to a Preſentation.

Sext. Decretal. l. 1. t. 6. c. 15.

III. *No* Commendam *can be granted, but with* **Conſent** *of the* **Patron.** This is the Doctrin of the Canon-Law, as appears from the Gloſs upon the Gregorian Conſtitution in the Council of *Lyons*; *Ad Commendam vocabitur Patronus*, — and, *Idem in aliis qui ex tali Commendâ læduntur:* and *J. de Athon*, *Prælati aliis quàm Præſentatis per* Patronos, *Commendam non committunt.* Thus, in granting

In Conſt. *Othobon.* De Com. Eccl. Gloſſ. v. *Commendari.* p. 131.

granting a *Commendam Retinere*, the King (who is Patron by the Promotion) ſignifies his Conſent, by his Mandate to the Archbiſhop to grant Diſpenſation; and, if the *Commendam* be by *Recipere*, it is either, to take a Promotion in the Biſhop's *own* Gift, and ſo his *Acceptance* is a Conſent; or in the Gift of ſome *other* Patron, and then the Conſent of ſuch Patron muſt be given in an *authentick* manner, and mentioned in the Diſpenſation. And *Hobart* ſaid, that if the Archbiſhop ſhould Commend to a certain Church void, *licèt* Patronus *non conſenſerit*, the Inſtrument of *Commendam* would be void, though the Patron ſhould *afterwards* Conſent.

Hob. 152.

IV. *By a Commendam* **Retinere**, *the* **Incumbency** *is continued.* This follows plainly from the ſecond Propoſition, that the Voidance is thereby prevented, which would otherwiſe have enſued; in the ſame manner, as it is prevented, with regard to a *firſt* Benefice incompatible; by Diſpenſation to hold a *ſecond*, or a *Plurality* of Benefices. For this reaſon, it was ſaid by *Hobart*, that a *Commendam Retinere* is improperly called a *Commendam*; for (ſaith he) *my* own *Benefice cannot be* Commended *unto me*. And it is clear, from the foregoing Conſtitutions, that what the Canon-Law meant by this term, was only with regard to the *ſecond* Benefice taken *de Novo*, by way of Cuſtody or *Commendam*, and (to prevent the Voidance of the firſt) not taken by way of *Inſtitution*; and that it was no more, than the committing to the Incumbent of one Church, the Cure and Revenues of another, either for a time limited (as ſix Months, which time the Patron had, to conſider of a proper Clerk) that the Church might be taken care of; or (with conſent of the Patron) for a longer term, to the end, chiefly, that ſuch Incumbent might be better ſupported: the firſt of which (*viz.* the Care of the Church during the Vacancy) is now anſwered by Sequeſtration of the Benefice; and the Grant of the ſecond (namely, the Profits of the Vacancy) is rendred impracticable by Biſhop, or Patron, or both, by the Stat. 28 *H.* 8. c. 11. as that gives the Profits of the Vacation *to ſuch Perſon as ſhall be thereunto next Preſented, Promoted, Inſtituted, Inducted, or Admitted.* Which Profits, before this Act, belonged either to the † Church, and ſo were in the Diſpoſition of Patron and Biſhop; or to the Ordinary, or other Perſon to whom by Cuſtom they appertained, and ſo, by the previous Conſent of ſuch Perſon, might be yielded to the Commendatary: but the *next Incumbent* being a Perſon *uncertain*, cannot *give* ſuch Conſent, and by conſequence the Revenues of Vacancies, ſince the making of the ſaid Act, cannot be *given*; which ſeems to be the true reaſon of the utter diſuſe of that ſort of *Commendams*, with regard to *Preſbyters*; however it hath continued, by Prerogative Royal, in favour of *Biſhops*.

Hob. 143.

† Reg. *Iſl.* 258. a.

V. *A Commendam* **Capere** (i. e. *a Dignity or Benefice taken by a Biſhop after Conſecration, and without Inſtitution,*) *doth not create a* **proper Incumbency.** We ſee, by the Notes on the foregoing Conſtitutions, that the Canoniſts were not clear, whether during a *Commendam*, the Church Commended was not really vacant; and whether the Commendatary was, in Law, any more than a *Cuſtos, Adminiſtrator*, or *Procurator Eccleſiæ*, during ſuch Vacancy: and they who hold that they were ſomething more (becauſe *Commenda* is a *Title* owned by the Canon Law,) pretend not to ſay, that they were *Incumbents*; they held only by a corrupt and precarious Title, invented on purpoſe to *elude* the Laws againſt Pluralities. In like manner, tho' the Books of Common Law ſay, that a Commendatary by *Retinere* remains full Incumbent, and may plead as ſuch; yet of a Commendatary by *Recipere* they ſay, that a Dean, by ſuch *Commendam*, cannot *Confirm* a Leaſe made by the Biſhop, and that a Commendatary Parſon, in that way, cannot have a *Juris utrum*, nor take to him and his Succeſſors, nor can Sue or be Sued in a Writ of Annuity.

2 Cro. 691.
Hob. 163.
Noy, 94.

But (on the other hand) there is one Circumſtance, which makes much for the *real title* of ſuch ancient Commendataries as were ſuch by *Retainer*; namely, that we find thoſe Benefices declared vacant by the *Reſignation* of the Commendataries. So, in Archbiſhop *Peccham*'s Regiſter, a Living is ſaid to be vacant, *per Reſignationem Archidiaconi Cant. cui* Commendata *fuerat:* In Archbiſhop *Reynolds*'s Regiſter, one is ſaid to be vacant *per dimiſſionem ſeu* Reſignationem *Commendæ aliàs ſibi conceſſæ*; and in another caſe, the Commendatary *expreſsè* renunciavit *omni juri quod ſibi competebat ratione Commendæ*; as, in a third inſtance, where one was actually Inſtituted, *non tamen habuit Literas Inductionis, eò quòd non conſtabat de* reſignatione *ſeu* renunciatione *Commendæ, quam Magiſter* Robertus de Crok *habuit in eâdem.* Which laſt Inſtance ſeems to imply, that the Incumbency created by a *Commendam Capere*, was with regard to the *Profits* only; and ſo far it is ſtill *underſtood* to give a Right, notwithſtanding the ſaid Statute 28 *H.* 8. c. 11; as may be gathered from the Language of ſuch Commendams, which is, *Abſque aliquâ* Inſtitutione, Inductione, *ſeu aliâ Juris ſolennitate aut obſervatione Canonis quâcunque, in* Commendam *acceptare, capere, recipere, & unà cum Epiſcopatu ---- tenere, habere, retinere & poſſidere, ac de* Fructibus & Reditibus, *cæteriſq;* Juribus & Emolumentis *diſponere, & in proprios tuos uſus convertere*; *perinde, ac in tam amplis modo & forma, ac ſi eadem omnia & ſingula in alium* Titulum, *quamvis maximè Canonicum, obtineres.*

Pecch. 40. b.

Reyn. 29. b.

Reyn. 28, b. 3.

In the Forms of a more ancient date, the Style is, *cum vel ſine Inſtitutione*; and, that Inſtitution and Induction in ſuch caſes have not *in all times* been judged *neceſſary*, appears by the Inſtances of Biſhops actually Inſtituted and Inducted, which we find recorded in our Books; in the times of ſucceſſive Archbiſhops, *Parker, Grindal, Whitgiſt*, and *Bancroft*. And in the Year 1621. a Preſentation to a Benefice was granted by the Crown to the Biſhop of *Cheſter*, and directed to the Archbiſhop of *York* for Inſtitution.

Park. 64, b.
345, b.
Grind. 558, a.
1 Whitg. 449.
3 Whitg. 257, a, b.
Bancr. 188. a.
Rym. V. 17. p. 303.

VI. *Commendam may be* **Temporary** *or* **Perpetual**, *at the Pleaſure of the Prince.* When it is *Temporary*, the preciſe time is expreſſed and limited in the Diſpenſation; when *Perpetual*, the ſtyle is, *Quamdiu vixeris, & eidem Epiſcopatui præfueris.* And, in the caſe of a *Commendam Retinere*, whether it be Temporary or Perpetual, it is only a *temporary* or *perpetual Continuance* of the original Incumbency, or the *preventing of an Avoidance* for ſuch a term; of both which there have been frequent Inſtances. And ſo, anciently, in the caſe of a *Commendam capere* granted to Presbyters; the term (when it went *beyond* ſix Months, which was little more than a *Sequeſtration*) was ſometimes † for a *Year*, in caſe a Perſon who had enter'd into a *Religious* ſtate, did not return after his Year of Probation; ſometimes, till another Perſon was ‡ in Orders; ſometimes, to continue * at the pleaſure of the Ordinary; and ſometimes, § for Life. But at preſent, in the caſe of Biſhops, I think the Books of Common Law generally fall into the Opinion, that a *Commendam capere* ought to be *perpetual*; becauſe (there being no previous Title by

† Pecch. 40. &c.

‡ Ib. 36. a.

* Ib. 37, b. 40, b.
Reyn. 31. a.

§ Pecch. 35, a. 40, a.
Hob. 152.

Of Commendams.

by *Inſtitution*, as it is in the caſe of *Commendam retinere*,) the Law knows not what to make of any thing that ſhall be called a Title, and not be equal to that, at leaſt in point of *Perpetuity*; and I believe, in Fact, there is no inſtance of a *Commendam capere* upon our Books, but what hath been unlimited or perpetual; tho', whatever the Right be that it conveys, it ſeems (in *reaſon*) to be *capable* of being as well *temporary*, as *perpetual*.

VII. *Commendam Temporary in* Retinere, *may be* **renewed**, *and* **prolonged**. That is, before the original Incumbency ceaſes, by the Expiration of the firſt Diſpenſation, a ſecond Diſpenſation may be granted, to prevent the Avoidance, and continue the Incumbency. 'Tis true, Commendams being deſigned to ſupport the Dignity of the Epiſcopal Character (which, ſince the time of the Reformation, hath greatly *needed* Support, in many Sees,) they have uſually been granted in *perpetuity*; in which caſe, there was no *occaſion* to renew them. But that ſuch Renewals were *underſtood* to be legal and regular, appears by the Applications that have been made for them, without any marks of *doubt*, as to their Legality: in one inſtance, by the Biſhop of *Carliſle*, an. 1567; and in another inſtance, the very next year, by the Biſhop of *Cheſter*. But, the more ancient Books of the Faculty-Office being all loſt, we cannot certainly tell what *Effect* theſe Applications had; nor have I learnt any more concerning this matter, but that, very lately, a *temporary Commendam* of the Lord Biſhop of *Cheſter*, which was in *Retinere*, being expired, a new *Commendam* of the ſame Benefice hath been granted in Perpetuity, by *Capere*; in conſideration of the Smallneſs of the ſaid Biſhoprick, and the private Patron's having otherwiſe diſpoſed of the uſual *Commendam*, with which it had been formerly ſupported.

Stry. Park. p. 257.
Stry. Ref. p. 517.

Winch. 141. b.

I know not whether it is worth while to add, that in the time of Archbiſhop *Winchelſea*, a Benefice being lapſed to him, and leave given by him to the Biſhop of *Chicheſter*, to grant it in *Commendam* to the Archdeacon of *Lewis*; which *Commendam* was expired: the Archbiſhop wrote to the Biſhop, to *renew* it.

VIII. *According to the* **Duration** *of a Commendam, and the Commendatary, the Right of the* **Crown** *to Preſent upon Promotion, is* **ſerved**, *or* **not ſerved**. If the *Commendam* be limited to a certain term, the Crown ſhall Preſent, by Prerogative, at the expiration of ſuch term, notwithſtanding the previous Grant of a *Commendam*; unleſs it ſo fall out, that the Commendatary Biſhop Dies, or *Reſigns*, before the Expiration of the term: for in ſuch caſe (the Church becoming void, not by Ceſſion, but by Death or *Reſignation*,) the turn of the Crown is ſerved, and the Patron ſhall Preſent. And ſo it is likewiſe ſerved, if the *Commendam* was originally *unlimited*, that is (according to the Language of the *Faculties*,) during the Life of the Perſon and his Poſſeſſion of ſuch See; becauſe this amounts to a *Preſentation*, and therefore in this caſe alſo, the Right of the Crown is ſerved, and the Patron Preſents.

Dyer, 228. b.
4 Mod. Rep. 212.

But if a Biſhop who is poſſeſſed of a *Commendam*, is *Tranſlated* to another See, and ſo a new Title accrues to the Crown by a new Promotion: the ſame *Commendam* may be *continued*, if the Prince ſhall pleaſe; but it muſt be by a new Diſpenſation, granting it to be held with the new Biſhoprick.

2 Rolle, 453.
Noy, 94.

As to what hath been ſaid of *Reſigning* Commendams, at pleaſure; this may be of very ill *conſequence* to the reſpective Sees: Many of which are poor, and cannot ſubſiſt without additional Supports; and perhaps there are no *other* Commendams ſo good, or ſo convenient: at leaſt, if theſe are Reſigned, and other Clerks be Preſented, there will be none vacant, together with the Biſhoprick. And therefore it was a general Inſtruction which K. *Charles* I. ſent to the Biſhops, Not to Reſign their Commendams; and we find a particular Letter written by the King's Order, to the Biſhop of *Peterborough*, that he ſhould not Reſign the Living of *Caſtor*, which he held in *Commendam*.

Reg. *Laud*. 251. Inſtr. 11.

Laud, 241. b.

TIT. XXXVIII.

UNION, and DIVISION, of Churches.

THE CONTENTS.

Cap. I. UNION *of Churches.*

Cap. II. DIVISION *of Churches.*

CAP. I.

UNION *of Churches.*

37 Hen. VIII. Cap. 21.

A.D. 1545.

The Bill for the Union of Churches.

Union of Churches.

Many poor Parſonages being contiguous to others,

WHERE in divers and ſundry places within this Realm of England, there be many and ſundry Parſonages, the Glebes, Tythes and yearly Revenues and Profits whereof be not ſufficient to find a Prieſt or Curate to ſerve or miniſter to the Pariſhioners thereof; within a mile or leſs of the Church of which poor Parſonages, there is in many places another Church pertaining to another Pariſh, ſtanding as neceſſary and commodiouſly for the acceſs of the Pariſhioners of the other poor Pariſh, as their own doth:

—and the Charges of maintaining two Churches, great,

II. And foraſmuch as the Charges for the Maintenance of ſuch two Churches and Chapels, with all manner of reparations, ornaments, and other accuſtomed Duties pertaining to a Church, be much greater than may be well raiſed or born amongſt ſuch poor Pariſhioners, and might and ſhould be eaſed and remedied by the uniting and knitting of ſuch two Churches in one:

Enacted, that, An Union of two Churches, or of a Church and a Chapel; one not above 6 *l.* value, and not above a Mile diſtant, may be made,

—with aſſent of Ordinary, Incumbents, and Patrons.

III. It may therefore pleaſe the Kings Royal Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, that it may be enacted and eſtabliſhed, That an union [a] or conſolidation of two Churches in one, or of a Church and a Chapel in one, the one of them not being above the yearly value of [aa] ſix pounds, as it is rated and valued at to the Kings Highneſs, in his Court of the Firſt-fruits and Tenths, and not diſtant from the other above one Mile, in any place or places within this Realm of England, may be from henceforth had or made, by the Aſſent of the Ordinary and Ordinaries of the Dioceſs where ſuch Churches and Chapels ſtandeth, and by the [b] Aſſents of the [bb] Incumbents of them, and of all ſuch as have a juſt Right, Title

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Park. 349, a. 350, b. 373, b. 2 Park. 103, b. 2 Whitg. 342, b. 3 Whitg. 247, a. &c. 1 Cro. 501.

[a] **Or Conſolidation.**] That is, a *perpetual* Union, by way of diſtinction from *temporary* Unions during the life of the Incumbents; of which Sort we find ſeveral in the Records of the Archbiſhops of *Canterbury*.

[aa] **Six pounds—one mile.**] In the caſe of *Auſtin* and *Twine*, it was ſtrongly urged by *Popham*, that by this Statute, the Power of Ordinaries to judge of the fitneſs or unfitneſs of Unions (which they had by the Common Law,) was taken away, and reſtrained to the Circumſtances here mentioned, beyond which no Union at all could be now made: But the Court held the contrary, becauſe the Statute is in the *Affirmative* only, without the addition of a *Negative*; in which caſe the Common Law is never taken away: and therefore they reſolved, that the Rule of Unions, and Power of making them, which the Ordinaries had at Common Law, continued as they were before, notwithſtanding this Statute.

Littl. 73.

[b] **Aſſents.**] It is intimated, in the forementioned Caſe, that this Statute was only a Declaration, of what Benefices an Union may *now* be made, *without the King*; as if the Royal Aſſent had been neceſſary before in *all* caſes whatſoever, and remained ſtill neceſſary in all caſes that are not within this Statute. Whereas, by the ancient Canon Law, the Licence of the Pope was not at all neceſſary; nor hath the † Licence of the King been judged neceſſary ſince the Reformation: inaſmuch as Unions have been ordinarily made without ſuch Licence; however, in ſome few Inſtances it may have been deſired and obtained, in *majorem Cautelam*; and this, probably, by the advice of the Profeſſors of the Common Law, who ſeem to take it for granted, that ſo it ought to be. I will only add, that as nothing is mentioned in this Statute concerning the Power of the *King* in point of Unions, ſo it is very unlikely, that at this time the King and Parliament ſhould *abate* any thing from the King's Supremacy in Eccleſiaſtical matters, that could fairly have been *continued* to it.

† See the fourth Rule, at the end of this Chapter.

1 Cro. 501. Littl. 73.

[bb] **Incumbents.**] In the Caſe of *Reynoldſon* verſus *Blake*; it was ſaid, in ſumming up the Cauſe, that Unions were generally made in time of vacancy—But if the Church was full, and the incumbent would not conſent, the Union could not be made *per verba de præſenti*, but it might be made *in verbis de futuro, quando vacaverit.*

1 Raymond, p. 193.

and

and Intereſt to the Patronages of the ſame Churches and Chapels, being then of full age; And that all ſuch unions and conſolidations had or made of two Churches in one, or of a Church and Chapel in one, as is aforeſaid, ſhall be good, ſufficient, lawful, firm, ſtable, and available in the Law, to remain, endure and continue for ever united and knit in one, in ſuch manner and form, as by writing or writings under the Seals of ſuch Ordinaries, Incumbents and Patrons, it ſhall be declared and ſet forth.

All Unions heretofore duly made, ſhall endure for ever.

IV. And be it further enacted by the Authority aforeſaid, That all unions and conſolidations of all Churches and Chapels, which have heretofore been united or knit together in one by the Aſſent of the Ordinaries, Incumbents, and True and Lawful Patrons in Fee-ſimple of them, as is aforeſaid, ſhall alſo remain and be from henceforth adjudged and deemed in the Law to endure and continue for ever united and knit in one, without any Diſſolution, Undoing, Unknitting, or Repeal of them or any of them, by any manner of means or way:

Firſt fruits and Tenths ſhall be paid by both.

V. Saving unto the Kings Majeſty, his Heirs and Succeſſors, all the [c] Tenths and Firſt-fruits of all ſuch Churches and Chapels, as be heretofore united or conſolidated in one, or that hereafter ſhall be united and conſolidated in one, according to the ſame, or ſuch like rates and valuations, as the ſame Churches and Chapels, or any of them now are rated or valued at to the Kings ſaid Majeſty, in his ſaid Highneſs Court of the Firſt-Fruits and Tenths.

Vid. Stat. 17 *Car.* 2. c. 3.

All Unions in Corporations, without the aſſent of the Body-Corporate, ſhall be void;

VI. Provided always, That all unions and conſolidations, and every of them hereafter to be had or made of any Church or Chapel within any City or Town Corporate, within this Realm of England, without the [d] aſſent of the Mayor, Sheriffs and Commonality of the City where ſuch Churches, Church or Chapel, be or ſhall be, or without the aſſent of ſuch bodies corporate of other Towns corporate, where ſuch Churches, Church or Chapel be or ſhall be, by the names of their Corporations in writing under their common Seal, ſhall be clearly void and of no force ne effect; any thing before expreſſed, or any Ordinance, Law, Cuſtom or Statute to the contrary thereof in any wiſe notwithſtanding.

—and ſo alſo, if the Pariſhioners, within one year, engage to make the Benefice full 8 *l.* a year.

VII. Provided alſo, That where the inhabitants of any ſuch poor Pariſh, or the more part of them, within one year next after the union or conſolidation of the ſame Pariſh, by their Writing ſufficient in the law, ſhall aſſure the Incumbent of the ſaid Pariſh for the yearly payment of ſo much mony, as with the ſum that the ſaid Pariſh is rated and valued at in the Kings Highneſs ſaid Court of the Firſt-fruits and Tenths, ſhall amount to the full ſum of eight pound ſterling, to be levied and paid yearly by the ſaid inhabitants to the ſaid Incumbent and his Succeſſors; that then all ſuch unions or conſolidations hereafter to be had or made of any ſuch poor Pariſh, as is aforeſaid, ſhall be void and of none effect; any thing ſtatuted or ordained to the contrary hereof in any wiſe notwithſtanding.

—but this laſt ſhall not extend to Unions already made.

VIII. Provided always, That this ſaid Proviſo ſhall not extend to any union or conſolidation of any Church or Chapel had or made before the making of this Eſtatute; any thing in the ſaid Proviſo mentioned to the contrary thereof notwithſtanding.

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[c] **Tenths and Firſt-fruits**.] Theſe, together with all other Payments and Duties to Biſhop, Archdeacon, &c. and even the Fees of *Inſtitution*, are reſerved of courſe in *perpetual* Unions; whether within this Statute, or not.

[d] **Aſſent of the Mayor**, &c.] Since it is clear, that whatever is to be done by this Statute, not only might be done, with the like Aſſent, by the Ordinary, before, but alſo is to be done in the ſelf ſame *Method* that it was before; it is hard to ſay with what View the Statute was made, if not to *limit* and *abridge* the Power of the Ordinary in *Cities* and *Towns Corporate*.

A.D. 1665.

17 Car. II. Cap. 3.

An Act for Uniting Churches in Cities and Towns-Corporate.

Miſchiefs of an inſufficient Maintenance for the Miniſtry,

FOraſmuch as the ſettled Proviſion for Miniſters in moſt Cities and Towns Corporate within this Realm, is not ſufficient for the maintenance of able Miniſters, fit for ſuch places, whereby mean and ſtipendiary Preachers are entertained, to ſerve the Cures there; who wholly depending for their maintenance upon the good will and liking of their Auditors, have been, and are hereby under Temptation of too much complying and ſuiting their Doctrine and Teaching to the humour rather than good of their Auditors, which hath been a great occaſion of Faction and Schiſm, and of the contempt of the Miniſtry: The Lords and Commons in Parliament aſſembled, being deeply ſenſible of the ill conſequence thereof, and piouſly deſiring able Miniſters in ſuch places, and a competent ſettled maintenance for them, by the Union of Churches; which is alſo become neceſſary, by reaſon of great Ruine of many Churches and Pariſhes in the late ill times, and otherwiſe; Do therefore moſt humbly beſeech Your moſt Excellent Majeſty, That it may be Enacted, and be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That in every City

—and the neceſſity of Unions, by reaſon of Churches ruined in the ill Times.

Enacted, that, In every Corporation, the Biſhop may Unite two *or more* Churches, with conſent of the Corporation and Patrons;

—and determine which ſhall be the place of Worſhip;

—and which the Church-Preſentative:

—and all Tythes and Duties ſhall be paid to the Incumbent of the Preſentative-Church.

or Town Corporate, and their Liberties, within the Kingdom of England, and Dominion of Wales, which have a Mayor and Aldermen, and particular Juſtices of the Peace by Charter or Commiſſion, or Bailiff or Bailiffs, or other chief Officer or Officers, and other Aſſiſtants by like Charter; and where *e* two or more Churches or Chapels, or a Church and a Chapel, and the Pariſhes thereunto belonging, do lie within the ſaid Corporation, or Liberties thereof, convenient to be United: In ſuch caſes the Biſhops of the Dioceſs where ſuch Pariſh and Pariſhes are, with the conſent of the *f* Mayor, Aldermen, and Juſtices of the Peace, Bailiff or Bailiffs, or other chief Officer or Officers, or the major part of them, and of the Patron or Patrons of ſuch church or churches, chapel or chapels, ſhall or may according to due form of Law Unite the ſaid churches or chapels, or church and chapel, or any of them, and *g* ſhall appoint at which church or chapel, churches or chapels, the ſaid Pariſhioners and Inhabitants of the ſaid Pariſhes or Places to which the ſaid churches or chapels, or church and chapel do belong, ſhall uſually meet for the worſhip of God, and which of the ſaid churches or chapels, or church or chapel ſhall be United and Annexed to the other, which ſhall be the church Preſentative, unto which all Preſentations ſhall thereafter be only made, and unto which the Pariſhioners ſhall reſort as their proper church. And after ſuch Order made, the ſaid churches or chapels, or church and chapel ſhall accordingly for ever ſtand United: And the Pariſhioners, Landlords, and Inhabitants of the ſaid Pariſhes and Places belonging to ſuch churches or chapels, or church and chapel ſo United and Annexed, ſhall as they, or any of them become void, and from thence forward, pay all ſuch Tythes and other Duties as belong, or did belong to the Incumbent of any of the ſaid churches or chapels, or church and chapel ſo united and annexed, unto the Incumbent of the ſaid Preſentative church or chapel, unto which the ſaid other churches or chapels, or church or chapel, ſhall be ſo United and Annexed.

The Pariſhes ſhall continue diſtinct, as to Rates, *&c.*

—and Churchwardens for each.

II. And it is hereby alſo Enacted, That notwithſtanding any ſuch Union to be made by vertue hereof, each of the Pariſhes ſo united, ſhall continue diſtinct, as to all Rates, Taxes, Parochial Rates, charges and Duties, and all other Privileges, Liberties and Reſpects, whatſoever, other than what is herein before mentioned and ſpecified; And Churchwardens ſhall be elected and appointed for each Pariſh, as they were before ſuch Union made.

The Union ſhall take effect upon the firſt avoidance,

—and the Patrons ſhall preſent by turns, as ſhall be determined by the Ordinary, Corporation, and Patrons.

Saving of Firſt-Fruits and Tenths to the Crown,

—and of Procurations, and Penſions, as they ſtood before.

III. And be it further Enacted and Provided, That where one or more of the ſaid churches or chapels, or church and chapel ſo United and Annexed, ſhall be full at the time of making ſuch Union, That then the ſaid Union ſhall take effect of every ſuch church or chapel, upon the firſt avoidance after ſuch Union made: And that the ſeveral Patrons of the ſaid churches and chapels ſo United, ſhall and may preſent by turns to that church onely which ſhall remain and be preſentative from time to time, in ſuch order as the ſaid Biſhop, with the conſent of the ſaid Mayor, Aldermen, and Juſtices of the Peace, Bailiff or Bailiffs, or other chief Officer or Officers within ſuch Pariſhes, or the major part of them, and of the Patron or Patrons of ſuch church or churches, chapel or chapels, ſhall determine and decree for the preſervation of their reſpective Rights therein; reſpect being therein had to the differences of the values of the yearly maintenance belonging to ſuch churches or chapels, or any of them. Saving unto the Kings Majeſty, His Heirs and Succeſſors, all the Tenths and Firſt-fruits of all ſuch churches and chapels ſo to be united, according to the rates and valuations at which the ſaid churches and chapels are rated and valued in the Office of Firſt-fruits and Tenths, in his Majeſties court of Exchequer; And alſo reſerving all Procurations and Penſions to all perſons to whom they are now, and have been formerly, or ſhall be hereafter due and payable; Any thing herein contained notwithſtanding.

No Union ſhall be valid, till Regiſtred,

IV. Provided always, that no Union of Pariſhes or Places to be made by virtue of this Act, ſhall commence or be effectual in Law, until it be Regiſtred in the Regiſter Book of the Biſhop of the Dioceſs, which the Regiſter is hereby required to do.

—nor where the Revenue is in all above 100*l.* clear,

—unleſs the Pariſhioners deſire it.

V. Provided always that no Union made by virtue hereof, ſhall be good and effectual where the ſettled maintenance belonging to the Parſons, Vicars and Incumbents of the church or chapel, or churches or chapels ſo United, ſhall exceed the Sum of One hundred pounds per annum clear, and above all charges and Repriſes; unleſs the reſpective Pariſhioners, or the major part of them, under their hands, deſire otherwiſe.

The Incumbent of a Church United, ſhall be a Graduate.

VI. Provided always, and be it enacted, That every Miniſter ſettled, as aforeſaid, the Incumbent of any church or chapel, or churches and chapels United according to this Act, ſhall be the full and lawful Incumbent thereof to all intents and pur-

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e **Two or more.**] According to the tenor of *Hen.* 8.'s Statute, only *two* might be united.

f **Mayor,** *&c.*] In the Stat. of *Hen.* 8. the Conſent of the major part of the *Commonalty* was alſo required.

g **Shall appoint.**] What follows, as to the appointment of the *Church Preſentative*, and ſo on to Sect. 4. is tranſcribed, as to Subſtance, from the Canonical Act or Inſtrument of Union; in which the ſeveral Particulars here ſpecified, have been uſually, if not always, Provided for.

poſes, ſo as ſuch Miniſter be a Graduate in one of the Univerſities of this Kingdom.

VII. And be it further enacted by the Authority aforeſaid, That every Owner or Proprietor, Owners or Proprietors of any Impropriations, Tythes, or portion of Tythes, in any Pariſh or Chapelry within the Kingdom of England, or Dominion of Wales, is, are, and ſhall be by virtue of this Act, enabled and impowered to give or beſtow, unite and annex the ſame, or any part thereof, unto the Parſonage or Vicarage of the ſaid Pariſh church or chapel where the ſame do lie or ariſe; or ſettle the ſame in Truſt for the benefit of the ſaid Parſonage or Vicarage, or of the curate and curates there ſucceſſively, where the Parſonage is Impropriate, and no Vicar endowed according to his or their reſpective Eſtates, without any Licence of Mortmain; Any Law or Statute to the contrary notwithſtanding.

Impropriations may be annext to Parſonages, Vicarages, or Curacies,

—without Licence of Mortmain.

VIII. And be it further enacted, That if the ſettled maintenance of ſuch Parſonages, Vicarages, Churches and Chapels ſo United, or of any other Parſonage or Vicarage with Cure in the Kingdom of England, or Dominion of Wales, ſhall not amount to the full ſum of One hundred pounds per annum, clear and above all charges and repriſes, That then it ſhall be lawful for the Parſon, Vicar and Incumbent of the ſame, and his Succeſſors, to take, receive, and purchaſe to him and his Succeſſors, Lands, Tenements, Rents, Tythes, or other Hereditaments, without any Licence of Mortmain; Any Law or Statute to the contrary notwithſtanding.

If a Benefice amount not to 100*l.* clear, the Incumbent may take and purchaſe Lands, *&c.* without Licence.

A.D.1692.

4, 5 Will. & Mar. Cap. 12.

An Act to make Pariſhioners of the Church United, Contributors to the Repairs and Ornaments of the Church to whom the Union is made.

Whereas by an Act of Parliament made in the Seventeenth year of the Reign of King Charles the Second, of bleſſed Memory, proviſion was made for the Uniting churches in cities and Towns corporate; And foraſmuch as it is highly reaſonable, that Pariſhioners of Pariſhes whoſe churches are demoliſhed, and either before or afterwards united to other churches, ſhould be contributors towards the Repairs and other Parochial charges of ſuch other church, to which by virtue of the ſaid Act they are United:

The foregoing Statute making no Proviſion, as to Repairs,

II. Therefore be it Enacted by the King and Queens moſt Excellent Majeſties, by and with the Advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That where any churches heretofore have been, or hereafter ſhall be, United by virtue of the ſaid Act, and one of the ſaid churches ſo United, was, at the time of ſuch Union, or ſhall afterwards be, [b] demoliſhed; that in all ſuch caſes, as often as the church which was or ſhall be made the church Preſentative, and to which the Union was or ſhall be made, ſhall be out of Repair, or there ſhall be need of decent Ornaments for the performance of Divine Service therein, That the Pariſhioners of the Pariſh whoſe Church ſhall then be down or demoliſht, ſhall bear and pay towards the charges of ſuch Repairs and decent Ornaments, ſuch ſhare and proportion as the Archbiſhop or Biſhop that ſhall make ſuch Union, ſhall by the ſame Union direct and appoint; and for want of ſuch Direction and Appointment, then one Third part of ſuch charges of the Repairs and decent Ornaments which ſhall be made or provided; And the ſame ſhall be rated, taxed and levied, and in default thereof ſuch Proceſs and Proceedings ſhall be had and made againſt him or them, as if it were for the Reparation, and finding decent Ornaments for their own Pariſh Church, if no ſuch Union had been made; Any Law, Cuſtom, Uſage or Opinion to the contrary heretofore notwithſtanding.

Enacted, that,

—one of the Churches united, being demoliſhed,

—the Pariſhioners ſhall pay towards the Repairs and Ornaments of the other, as the Ordinary ſhall direct, in the Union,

—or to the value of one third part.

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[b] **Demoliſhed.**] But if both Churches are *ſtanding*, then the Repairs and Ornaments ſhall be provided for, as they were at Common Law; that is, by the Pariſhioners of each Pariſh reſpectively.

Rules of Canon *and* Common-Law *concerning* Unions.

1 Cro. 500, 501.

I. THE **Common Law** *of* **Unions**, *is not* **taken away**, *or altered, by the foregoing Statutes*: And therefore, in the caſe of *Auſtin* and *Twyne*, where the Queſtion was concerning the Validity or Invalidity of an Union of two Benefices, one of *ten* pound, and the other above 8 *l. per annum*; it was adjudged a good Union, tho' not within the Statute, becauſe Unions might be made (as before) according to the Common Law of the Church.

J. de Athon. in Conſt. Othon. Ne Eccl. v. Reintegrentur.

Cauſ. 16. q. 1. c. 48.

II. *The Union or Conſolidation of Churches ought to be founded upon* **good** *and* **Canonical Reaſons**. And the *principal* Reaſons aſſigned by the Canon Law, are, *Propter Hoſpitalitatem, propter Vicinitatem Locorum, propter Parochianorum Defectum*, or, *Propter Paupertatem ſeu Exilitatem*. Which Circumſtances are ſpecially enquired into before the Union, and (ſome or all, as the caſe is) recited in the *Preamble* to the Act of Union; agreeably to the ancient Method of Union, as expreſſed in the Body of the Canon Law: *Et temporis qualitas, & vicinitas nos locorum invitat, ut Cumanam, atque Miſenatem unire debeamus Eccleſias, quoniam nec longo itineris ſpatio à ſe ſejunctæ ſunt, nec (peccatis facientibus) tanta populi multitudo eſt, ut ſingulos, ſicut olim fuit, habere debeant Sacerdotes. Quia igitur Cumani caſtri Sacerdos curſum vitæ hujus explevit, utraſque nos Eccleſias præſentis auctoritatis pagina uniſſe, tibique commiſiſſe cognoſce: propriumque utrarumque Eccleſiarum ſcito te eſſe Pontificem. Et ideò te, quæcunque tibi de earum patrimonio, vel cleri ordinatione, ſive promotione, juxta canonum ſtatuta viſa fuerint ordinare, atque diſponere, habebis ut proprius revera Sacerdos liberam ex noſtræ auctoritatis conſenſu, atque permiſſione licentiam. Ubi verò commodiùs, atque utiliùs eſſe perſpexeris, ibi habitato: ita ſane, ut alteram Eccleſiam, cui corporaliter præſens non es, ſolicitâ, providentique curâ diſponas: quatenùs divina illic myſteria ſolenniter auxiliante Domino peragantur.*

Cro. 501.

III. *The Union is the* **Act of the Biſhop**, *or other Superior*. This is according to the Definition, *Unio eſt Beneficiorum ſeu Eccleſiarum, ab Epiſcopo, vel ab alio Superiore, facta annexio*. And therefore, in the forementioned caſe of *Auſtin* and *Twyne*, tho' the Aſſent of the Patron, and Confirmation of the Queen, came *after* the Union, it was adjudged to be good enough; and the Reaſon why the Conſents are *uſually* taken *before*, is the *Fitneſs* (but not Neceſſity) of the Biſhop's having previous Aſſurance of the giving that, which, not being given, would make his Act void and of none effect. But to the Aſſent of the Patrons, muſt alſo be added the Aſſent of the preſent Incumbent, or Incumbents; and if the Churches be in two Dioceſes, there muſt alſo be the Aſſent of *both* the Ordinaries.

Ibid.

bid.

IV. *The conſent of the* **King** *is not* **neceſſary** *to an Union*. So, the Civilians on both ſides agreed, in the caſe of *Auſtin* and *Twyne*, That by the Canon Law, the Ordinary, with the Patron's Aſſent, might have made (and ſo, ſtill *may* make) an Union of two Churches, tho' each were a ſufficient Maintenance by it ſelf: the reaſon is, becauſe this being an Act of a Spiritual nature, was left to the diſcretion of Spiritual Judges; and therefore when, in the forementioned Caſe, it was alledged againſt the Union, that it was made upon a pretended Poverty, which appear'd to be falſe; the Court ſaid, They were not to diſpute the Validity of the Union, which would come in queſtion in the *Spiritual* Court.

Cd. Extra. l. 5. t. 31. c. 8.

As to any Right which might be ſuppoſed to accrue to the Crown from the Exerciſe of *Papal Authority* in this matter, let a Papal Declaration (which ſtands part of the Body of the Canon-Law) determine it: *Sicut unire Epiſcopatus, atque Poteſtati ſubjicere alienæ, ad ſummum Pontificem pertinere dignoſcitur; ita* Epiſcopi *eſt Eccleſiarum ſuæ Diœceſis Unio, & Subjectio earundem*. Agreeable to which, we find, the Biſhop hath frequently united, by his own Ordinary Authority; without any marks of the Interpoſition of Royal Authority, as ſuch.

1 Raymond, p. 195.

In the Caſe of *Reynoldſon* verſus *Blake*, it was ſaid, that at *Common Law* the Parſon, Patron, and Ordinary might make Union of two weak *Churches* without the conſent of the King, if they were *very poor*, becauſe the King's concern was but very ſmall; but if they were of *reaſonable* value, the King's conſent muſt concur. But no Rule is there laid down, for judging what was a *poor* value, and what a *reaſonable* one; and it is alſo added, that if the King's conſent was ſubſequent, it was ſufficient.

Plowd. 499, b.

V. *Unions* **in futuro**, *as well as in Præſenti, are good*. And therefore if two Churches are full, and one is duly United to the other *in futuro, when either ſhall become void*; the Surviving Incumbent may enter upon the void Living, without any other Title, than that which he received from the Act of Union. So that (we ſee) the Statute 17 *Car.* 2. c. 3. §. 3. is in this reſpect exctaly modelled according to the Rule of the *Common Law*.

Dyer, 25[illegible], b.

VI. *By the Union of two Churches, no change is made in the* **Advowſons**: That is, not only all Rights are reſerved to the Patron or Patrons, as before, but the *Nature* of the Advowſons continues the ſame; as, if one be *Appendant*, and the other *in groſs*, and that which is Appendant is made the Preſentative Church, and the Patron of the Church *in groſs* hath the *firſt* Turn; yet ſhall not the *whole* Advowſon be in groſs, but it ſhall remain Appendant for *his* Turn who was Patron of the Advowſon appendant, and in groſs for *his* Turn who was Patron of the Advowſon in groſs. Which being ſo (*i. e.* the Advowſons, not only as to the Right, but even as to the Nature of them, remaining the *ſame*, as before,) it ſeems to be an *unreaſonable* Doubt, whether Biſhops and other Eccleſiaſtical Perſons can *conſent* to an Union, by the Stat. 1 *Eliz.* and 13 *Eliz.*

1 Cro. 720.

VII. *By the Union, the two Churches are become ſo much* **one**, *that a* **ſecond Benefice** *may be taken by Diſpenſation within the Statute of Pluralities*. The Words of the Union are, *Unimus, annectimus, incorporamus, & conſolidamus, dictâmque Eccleſiam de —— & Eccleſiam de —— unum Beneficium Eccleſiaſticum efficimus.* —— And, Unius *tantummodo Beneficii nomine perpetuis futuris temporibus ad omnes & quoſcunque Juris effectus*, &c. *habere*, &c. And therefore the foregoing Propoſition was affirmed in the Caſe of the Queen againſt *Page* and the Biſhop of *London*; and it was ſaid, That by Union, in the Statute of Pluralities, is to be meant, not a perpetual, but a *temporary* Union, during the Life of an Incumbent; of which laſt ſort, we meet with multitudes upon our Books, as well ſince, as before, the Reformation.

Union of Churches.

Hob. 67.

VIII. *Two Churches Parochial being united at Common Law, the* **Reparations** *ſhall remain ſeveral, as before.* Which was the Reaſon, why a particular Act of Parliament (4, 5 *Will. & Mar.* c. 12.) was found neceſſary, to make it otherwiſe in the Churches that had been or ſhould be united in virtue of the Statute 17 *Car.* 2. For before that, the Inhabitants, even of a *demoliſhed* Church, were not obliged to contribute to the Reparations of the Church Remaining, to which they were united.

CAP. II.

DIVISION *of Churches.*

A.D. 1222. 6 *H.* 3.

STEPHANUS.

Nihil nomine perſonatûs conferatur Subſtituto, niſi Subſtituens plenè reſignaverit. Nec quicquam alicui nomine Beneficii aſſignetur, ſi Beneficium incompatibile poſſidet.

Diviſion of Churches.

Lyndw. Edit. Oxon. p. 141.

Nothing ſhall be given *nomine perſonatûs*, without firſt reſigning ſimply, —nor any thing *nomine Beneficii*, to be held with a Benefice.

NE Lepra, *& infrá.* Illud abſurdum reputamus omnino, ut aliquo exiſtente [i] Perſonâ [k] unius Eccleſiæ, alii de conſenſu illius Perſonæ [l] aliquid conferatur in eadem Eccleſia [m] nomine Perſonatûs, niſi Perſona prior [n] Eccleſiam totam prius ſimpliciter duxerit reſignandam. Item ſtatuimus, quòd non liceat alicui aliquid in Eccleſia aſſignare cuiquam nomine [o] Beneficii, quaſi hoc liceat obtinere cum alio Beneficio, cui Cura annexa fuerit Animarum.

[i] Perſonâ.] *i. e. Rectore; & loquitur ſecundùm vulgare Anglicorum.* Lyndw.

[k] Unius Eccleſiæ.] *In qua ſcilicet, univerſaliter intitulatus eſt.* Lyndw.

[l] Aliquid.] *i. e. Aliqua Portio.* Lyndw.

[m] Nomine Perſonatûs.] *Videlicet, in titulum Beneficii; ut ſic in eâdem Eccleſiâ ſint duo Rectores* Intitulati, *unitate manente. Ut tamen ibi ſit Rector & Vicarius perpetuus, benè licet ad portionem Vicarii aliquid de conſenſu Rectoris aſſignare. Nam in hoc caſu non ſunt duo Capita, ſed unum; licèt ſint duo Beneficia diſtincta in unâ Eccleſiâ.* Lyndw.

[n] Eccleſiam totam.] *i. e. Totum & integrum Jus, quod habet in Eccleſiâ.* Lyndw.

[o] Beneficii.] *Intellige de tali Beneficio, in quo requiritur Inſtitutio Canonica.* Lyndw.

A.D. 1222. 6 *H.* 3.

STEPHANUS.

Eccleſia una non committatur pluribus Rectoribus, Perſonis; commiſſa autem ad unam redigatur: nec plures ſint Vicarii, niſi Eccleſiæ antiquitùs in plures Perſonatus diviſæ.

Lyndw. Edit. Oxon. p. 134.

No Church ſhall be committed to two Parſons, —and thoſe that are, ſhall be reduced to one, —unleſs anciently divided.

QUIA juxta Sanctiones Canonicas, *& infrá.* Statuimus, & ſacro approbante Concilio diſtrictiùs inhibemus, ne deinceps Eccleſia aliqua [p] pluribus Rectoribus, quorum uterque ſit Perſona, committatur regenda. In Eccleſia autem, ubi plures Perſonæ exiſtunt, Statuimus, ut ſingulis decedentibus accreſcat viventibus portio decedentis, donec ad unum ſolum illius Eccleſiæ Perſonatus pervenerit. Nec de cætero plures Vicarii in eâdem Eccleſiâ conſtituantur: Illis Eccleſiis ab hoc Statuto exceptis, quæ ab antiquo diviſæ fuerunt.

[p] Pluribus Rectoribus.] *Sic, viz. ut unuſquiſque eorum pari honore in Eccleſiâ habeatur Intitulatus, & alter alteri non ſubſit: hoc namque eſſet, in uno corpore duo eſſe Capita, quaſi Monſtrum.* Lyndw.

A.D. 1237. 22 *H.* 3.

OTHO.

Summarium.

Nunquam deinceps in plures Perſonatus vel Vicarias una dividetur Eccleſia; & ſiqua ſine auctoritate Epiſcopi fuerit nuper diviſa, ut primùm commodè fieri poterit, in unam redintegrabitur. Quæ verò commodè diviſa fuerit juſtis portionibus, per Diæceſanum condividetur; per quem providebitur, ut in ſingulis reſideat debitam Animarum Curam gerens. Veruntamen de Reſidentia & Pluralitate Beneficiorum conſultius ad Romanorum Pontificum Conſtitutiones, quàm ut novas condat, cenſet remittendum.

Otho. Edit. Oxon. p. 33.

The good Effects of the Miniſterial Office are defeated,

CUM ſit Ars Artium (teſte Beato *Gregorio*) regimen Animarum: non ceſſat antiquus Sophiſta ſua gyrare volumina fraudis, & in falſæ poſitionis ſtudere fallaciis, quo valeat diſcipulis hujuſmodi Artis concludere, & eos excludere à ſalute quos imperitos invenerit, vel incautos: hoc eſt quod facit tranſgredi juſſa Dei, & Sanctorum Regulis contraïre, dum nec Sermo Divinus, nec Sanctiones Canonicæ à diſtorto itinere poſſunt reducere peccatores.

Diviſion of Churches.

Exigit namque Ars noſtra Catholica, ut *pp* unicus in una Eccleſia ſit Sacerdos, aliàs Magiſter perfectus Ordine & Habitu, Vitâ Sanctâ, Scientiâ, & Doctrinâ, & quod pura ſit Eccleſiæ Ordinatio, atque ſimplex. Sed objectio Diabolica facit multos in hoc dogmate deviare, dum interdum, eo ſuggerente, non uni tantùm detur una Eccleſia, ſed pluribus, prætextu plurium Patronorum: ut ſint plura capita in eodem corpore, quaſi monſtrum: & interdum conſentire conſuevit Perſona, quæcunque ſit occaſio, alteri nomine Perſonatûs ut aliquid de ipſa concedatur. Abſque Magiſtro præterea Eccleſia deſolata manet ſæpe, dum nec Perſona in ea, nec ſaltem Vicarius perpetuus invenitur, ſed aliquis fortè ſimplex Sacerdos, qui nec habet Jus, nec etiam Juris imaginem in eadem: & ſi moram forſitan Perſona ibi trahit, non eſt tamen perfectus in Ordine, quoniam nec eſt Sacerdos, nec actu perfecto nec habitu, ita ut viſus ab aliquo, non Clericus, ſed miles potius putaretur. De Vita Sancta, Scientia, & Doctrina eſt eis nimis modica, heu! cura. Ordinatio quoque Eccleſiæ rarò fit ſimplici oculo, ut deberet, nec enim † tormenta fraudis Diabolicæ deſunt ibi. Nam interdum (ut audivimus) alicui confertur Eccleſia, hoc acto tacitè vel expreſſè, ut aliquid ibi retineat inſtituens vel præſentans, vel aliquis alius ex ea percipiat aliquam portionem, qui totum erat forſitan habiturus, niſi, Juris impotentiâ vel metu perdendi alia Beneficia, diviſiſſet. Cedit etiam quis aliquando Perſonatui, & ab Inſtituto inibi recipit ibi poſtmodum Vicariam; quod fieri non præſumitur ſine fraude.

— by dividing one Church among ſeveral;

— by other Churches having no Incumbents;

— and by Simoniacal Preſentations.

† *MS.* Fomenta.

No Church ſhall be divided amongſt two or more; but Diviſions made, ſhall be revoked.

Has igitur diviſiones & particulares aſſignationes, tanquam Arti noſtræ Catholicæ contrarias, reprobantes, nè de cætero fiant, diſtrictiùs Prohibemus; firmiter ſtatuentes, ut nunquam in plures deinceps Perſonatus vel Vicarias una Eccleſia dividatur. Et quæ diviſæ ſunt hactenus, quam citò ſe facultas obtulerit, reintegrentur, niſi forſan hæc ſtatuta fuerint ab antiquo: ubi eſt per Epiſcopum loci providendum, ut tam Reditus quàm Eccleſia congruis ad majorem commoditatem inter ſe portionibus & regionibus dividantur.

There ſhall be Reſidence in every Church,

Provideant igitur Diœceſani, ut ſemper apud Eccleſiam reſideat aliquis, qui de Animarum curâ ſit ſolicitus, ac ſe in celebratione Divinorum & Collatione Sacramentorum exerceat utiliter & honeſte.

— and no Plurality, without Diſpenſation.

De Reſidentia verò in Eccleſiis à Rectoribus facienda, videtur Nobis conſulendum facto potiùs quàm Statuto: Extant enim Concilia *Romanorum* Pontificum luce clariùs loquentia: Super eâ præterea major requiritur executio factorum, quàm editio Sanctionum. Idem quoque dicimus de his, qui plures Dignitates, Perſonatus, ſeu Beneficia curam Animarum habentia, contra Conſtitutionem Concilii generalis, abſque diſpenſatione Sedis Apoſtolicæ ſpeciali, præſumunt in ſalutis ſuæ diſpendium detinere.

pp Unicus.] *Ex causâ tamen probatâ, poteſt Epiſcopus Præbendam dividere, Eccleſiam, vel Dignitatem — concurrente conſenſu Capituli ſolius, ubi hujuſmodi Beneficia ſunt dotata ab Epiſcopo & Capitulo ſolùm — Si ab aliis, etiam Laicis, tunc ſine eorum conſenſu ea tollere vel mutare non licet. — In hujuſmodi tamen diviſione vel unione, * Vacatio ſeu Conſenſus Rectoris ſuperſtitis, vel etiam Defenſoris ejuſdem ſi vacat, de Neceſſitate non requiritur. —— Ad hoc igitur ut teneat Diviſio, quatuor requiruntur: Primò, Conſenſus iſtorum ad quos ſpectat. Secundò, quòd intendant numerum Miniſtrorum & Beneficiorum augere. Tertiò, quòd ſubſit rationabilis Cauſa. Quartò, quòd adeò ſit pingue Beneficium, ut ex Eccleſia poſſent fieri duæ ſufficientes vel plures.* J. de Athon.

* *MS.* Vocatio.

Extra. l. 3. t. 48. c. 3.

Huc pertinent ea quæ reperiuntur in Corpore Juris Canonici: *Ad audientiam noſtram noveris perveniſſe, quòd Villa quæ dicitur* H. *tantùm perhibetur ab Eccleſiâ Parochiali diſtare, ut tempore hyemali, cùm pluviæ inundant, non poſſint Parochiani ſine magnâ difficultate, ipſam adire; unde non valent congruo tempore Eccleſiaſticis Officiis intereſſe. Quia igitur dicta Eccleſia ita dicitur reditibus abundare, quòd præter illius Villæ proventus Miniſter illius convenienter valeat ſuſtentationem habere; Mandamus, quatenùs ſi res ita ſe habet, Eccleſiam ibi ædifices, & in eâ Sacerdotem, ſublato Appellationis obſtaculo, ad præſentationem Rectoris Eccleſiæ majoris, cùm Canonico Fundatoris Aſſenſu inſtituas, ad ſuſtentationem ſuam ejuſdem Villæ Obventiones Eccleſiaſticas percepturum. Providens tamen, ut competens in eâ* Honor, *pro facultate loci, Matrici Eccleſiæ ſervetur. Quod quidem fieri poſſe videtur, cùm ejuſdem Villæ Dominus viginti Acras terræ frugiferæ velit ad uſus Sacerdotis conferre. Si vero perſona Matricis Eccleſiæ virum idoneum præſentare diſtulerit, vel opus illud voluerit impedire, tu nihilominus facias idem opus ad perfectionem deduci, & virum bonum, Appellationis ceſſante diffugio, inſtituere non omittas.*

Parochiâ legitimè diviſâ, non debent Parochiani novæ Eccleſiæ aliqualiter contribuere ad refectionem antiquæ Matricis Eccleſiæ —— Nec obſtat, quòd Parochianis Eccleſiæ antiquioris per talem Diviſionem præjudicatur abſque conſenſu eorum; nam hujuſmodi non requiritur.

Othob. *Improbam quorundam.* v. *Ad hoc.* p. 112.

O T H O B O N.

Summarium.

Quæcunque Eccleſiæ unius diviſo in plures portiones, ante Conſtitutionem Othonis, *aut pòſt contra eandem facta, niſi antiquitatis Jure defendatur, per Diœceſanos penitùs revocetur, & quæ poſthac fiat, irrita cenſeatur. Qui verò contra hæc attentans aliquem præſentare preſumpſerit, Jus præſentandi ad proximum devolvendum amittat. Si verò Prælatus eo pacto quemvis admiſerit, aut præſentaverit, ut portionem ſibi retineat, ejus retentio & aſſignatio erit irrita; & ipſe, quouſque talem Præſentationem, ſeu Aſſignationem, & Retentionem, penitùs revocaverit, erit à quorumlibet Beneficiorum Collatione, Inſtitutione, aut Præſentatione ipſo facto ſuſpenſus.*

The Excellency of Unity in all things,

Othob. Edit. Oxon. p. 100.

UNitatem in omnibus, maxime verò in Divinis & Spiritualibus Officiis & Miniſteriis, ita perfectio ſequitur, ut diviſionem ſupra omnia deteſtetur, quæ deſolationem & ruinam inducit. Nec enim ullum materiale † ſubjectum ſtabit, ubi nulla Sacræ rei deſignatio

† MS. *Præſtabit aliquam ſacræ rei deſignationem nec divinum intellectum animi.*

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ſignatio intellectum animi conformiter ad ſe trahit, cum in illo vel in iſto diviſio agit, diverſum faciens quod eſt unum.

—and the Miſchief of Committing one Church to two or more Perſons;

Ex his Catholicæ Unitatis ſanxit auctoritas, ut in una Eccleſia unus ſit Rector, quaſi unius corporis unum ſit caput: ſed ſtupefactivæ zizaniæ ſeminator, interdum per plurimorum in una Eccleſia Patronorum diſcordiam, interdum per cupidorum figmenta, qui de ipſa Eccleſia nihil aliud quàm commodum temporale venantur, hanc peſtiferam ſectionem diverſis modis inducit, ut in plures collata una Eccleſia dividatur, rei pravitatem quâdam mutatione vocabulorum ſeu nominum occultantes: & (quod deteſtabilius eſt) in tantum in quibuſdam Prælatis ardor cupiditatis & avaritiæ exardeſcit, ut præſentatos ad Eccleſiaſtica Beneficia non admittant, neque alicui ea conferant, niſi certâ proventuum & redituum Beneficiorum ipſorum portione retentâ, quam ſuis uſibus applicant, vel aliis eam ad tempus, vel ſimpliciter, conferunt pro ſuo libito voluntatis.

—with the Conſtitution of *Otho*, againſt it.

Super his autem legitimè compeſcendis, prædictus Legatus diviſiones & particulares aſſignationes penitùs prohibens, & permutationes, Statuit, ut nunquam in plures Perſonatus vel Vicarias Eccleſia dividatur, & quæ tunc ante fuerant diviſæ integrentur, quàm citò facultas ſe offerret, niſi aliqua Eccleſia ſic foret ab antiquo forſitan inſtituta: in qua per loci Epiſcopum provideri Statuit, quod tam reditus quàm Parochia inter eos congruis portionibus dividantur, & quod ſemper ad Eccleſiam reſideat aliquis, qui de Animarum cura ſolicitus, in celebratione Divinorum & collatione Sacramentorum ſe † viriliter exerceat & honeſté.

† MS. *Utiliter.*

All Diviſions heretofore made, except ſuch as are ancient, ſhall be revoked,

Nos igitur prædicti Legati Sanctionem dignâ æmulatione ſequentes, Statuimus adjiciendo, ut omnis hujuſmodi prorſus diviſio ante hujuſmodi prædicti Legati Conſtitutionem facta, niſi tanto eam præceſſerit tempore, ut meritò poſſit antiquitatis Jure cenſeri, quæve poſtmodum eſt ſecuta, necnon cujuſlibet portionis proventuum Eccleſiaſticorum Beneficiorum retentio & aſſignatio, quæ fieri non poſſe dignoſcitur abſque nota Simoniacæ pravitatis, per locorum Diœceſanos penitùs revocentur. Siqua verò de cætero fiat diviſio, ſeu alicujus portionis retentio vel aſſignatio, hanc nullam ipſo Jure fore Decrevimus.

—and none ſhall be made hereafter, upon pain, that the Patrons loſe their right another time,
—and the Biſhop be ſuſpended from Collating and Inſtituting.

Et nè conferentis, ſeu præſentantis, vel admittentis plures ad unam Eccleſiam exemplum mali relinquatur impunitum; præſentans quidem, unus aut plures, Jus aliâ vice præſentandi amittat, ad Superiorem proximè devolvendum: ſi verò Prælatus ſic contulerit, vel Præſentatos admiſerit, aut certam terram retinuerit, vel alii aſſignaverit portionem ſimpliciter, vel ad tempus, non ſolum Inſtitutio ejus & retentio ejus vel aſſignatio viribus careat, verum etiam ipſe, quouſque revocaverit, ipſo facto à Collatione, Inſtitutione, ſeu Præſentatione Beneficiorum quorumlibet ſit ſuſpenſus.

TIT. XXXIX.

ECCLESIASTICAL POWER and JURISDICTION, in general.

THE CONTENTS.

Cap. I. SPIRITUAL JURISDICTION *of the Church of* England.

Cap. II. *Exerciſe of* TEMPORAL JURISDICTION, *by* SPIRITUAL *Perſons.*

CAP. I.

SPIRITUAL JURISDICTION *of the Church of* England.

24 Henr. VIII. Cap. 12.

A.D 1532.

For the Reſtraint of Appeals.

Spiritual Juriſdiction of the Church of England.

The Realm of *England*, is governed by one Supreme Head over Spiritualty and Temporalty,

— furniſhed by God with Plenary Power to adminiſter Juſtice in all Cauſes;

— in Spiritual Cauſes, by the Spiritualty,

— in Temporal Cauſes, by the Temporalty.

Both Juriſdictions conjoin, and help each other in the Adminiſtration of Juſtice.

WHERE by divers ſundry and authentick Hiſtories and Chronicles, it is manifeſtly declared and expreſſed, that this Realm of England is an Empire, and ſo hath been accepted in the World, governed by one ſupreme Head and King, having Dignity and Royal Eſtate of the Imperial Crown of the ſame: Unto whom a Body politick, compact of all ſorts and degrees of people, divided in terms and by names of Spiritualty and Temporalty, been bounden and owen to bear next to God, a natural and humble obedience: He being alſo inſtitute and furniſhed, by the goodneſs and ſufferance of Almighty God, with plenary, whole, and entire Power, Pre-eminence, Authority, Prerogative and Juriſdiction, to render and yield Juſtice and final determination to all manner of folk, reſiants or ſubjects wiihin this his Realm, in all Cauſes, Matters, Debates and Contentions happening to occur, inſurge or begin within the limits thereof, without reſtraint or provocation to any foreign Princes or Potentates of the World: The Body ſpiritual whereof having power, when any Cauſe of the Law Divine happened to come in queſtion, or of ſpiritual Learning, that it was declared, interpreted and ſhewed by that part of the ſaid Body politick, called the Spiritualty, now being uſually called the Engliſh Church, which always hath been reputed and alſo found of that ſort, that both for knowledge, integrity and ſufficiency of number, it hath been always thought, and is alſo at this hour, ſufficient and meet of it ſelf, without the intermeddling of any exterior perſon or perſons, to declare and determine all ſuch doubts, and to adminiſter all ſuch Offices and Duties as to their Rooms ſpiritual doth appertain: For due adminiſtration whereof, and to keep them from corruption and ſiniſter affection, the King's moſt noble Progenitors, and the Anteceſſors of the Nobles of this Realm, have ſufficiently endowed the ſaid Church both with Honour and Poſſeſſions: And the Law temporal, for trial of property of Lands and Goods, and for the conſervation of the people of this Realm in unity and peace, without rapine and ſpoil, was, and yet is, adminiſtred, adjudged and executed by ſundry Judges and Miniſters of the other part of the ſaid Body politick, called the Temporalty: And both their Authorities and Juriſdictions do [a] conjoyn together in the due adminiſtration of Juſtice, the one to help the other. ——

Bract. f. 107. a.

[a] **Conjoyn — the one to help the other.**] "Sunt "enim Cauſæ *Spirituales*, in quibus Judex Sæcularis non "habet Cognitionem nec Executionem, cùm non habeat "Coercionem: Sunt autem Cauſæ *Sæculares*, quarum Cognitio pertinet ad Reges & Principes, qui defendunt regnum, "& de quibus Judices Eccleſiaſtici ſe intromittere non debent, cùm eorum Jura ſive Juriſdictiones limitatæ ſint & "ſeparatæ; niſi ita ſit, *quòd gladius juvare debeat gla*-"*dium*.

Which laſt Clauſe, with regard to the Aſſiſtance given by the Spiritual Court to the Temporal, is thus expreſſed by my Lord *Coke*: "In all the Reign of *Hen*. 3. and his "Progenitors, Kings of *England*, and ever ſithence, if any "Iſſue were joined (in the Temporal Courts) upon the "Loyalty of *Marriage*, general *Baſtardy*, or ſuch-like; "the King did ever write to the *Biſhop of that Dioceſs*, as "mediate Officer and Miniſter to his Court, to Certify the "Loyalty of Marriage, Baſtardy, or ſuch-like.

5 Rep. *Caudrie's* Caſe, *H.* 3.

2 Ventr. 345.

In like manner, doth the Temporal Court give aſſiſtance to the Spiritual; for inſtance, if a Cauſe be depending in the Spiritual Court, and it is ſuſpected that the Party proſecuted will fly *beyond Sea*, they may have a *Ne exeat regnum*; which was granted 32 *Car.* 2. againſt Sir *Jerom Smithſon*; and, upon that occaſion, the Lord Chancellor ſaid, it had been ſo done before; *for this Court is to* aid *the Eccleſiaſtical Court, in ſuch caſes.* And ſo, if the *Sentence* given in the Eccleſiaſtical Court is diſobeyed, and the Party Excommunicated, *&c.* the Writ for *taking* and *impriſoning* the Offender goes of courſe.

Mc. 782.

The Conſequence of both which, (with regard to *Legal Conſtitution)* is what my Lord *Coke* elſewhere ſays, "The "Temporal, and the Eccleſiaſtical Law, are ſo *coupled* and "*interwoven*, that the one cannot *ſubſiſt* without the other.

A.D. 1547.

1 Edw. VI. Cap. 2.

In [b] an Act, Entituled, *An Act for the Election of Biſhops, and what Styles they, and other Spiritual Perſons exerciſing Juriſdiction Eccleſiaſtical, ſhall uſe.*

To ſend out Proceſs in the name of any Archbiſhop or Biſhop, being an invaſion of the Supremacy,

----- III. **AND whereas the Archbiſhops and Biſhops, and other Spiritual perſons in this Realm, do uſe to make and ſend out Summons, Citations, and other proceſs in their own names, and in ſuch form and manner as was uſed in the time of the uſurped power of the Biſhop of Rome, contrary to the form and order of the Summons and Proceſs of the**

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[b] **An Act.**] See before, pag. 113, how this Statute ſtands repealed by the Reviver of 25 *H.* 8. c. 20. with regard to the Election and Confirmation of Biſhops; as directed in the Statute ſo revived. And, with regard to *Juriſdiction*, it is provided by the ſame revived Statute, that Archbiſhops, and Biſhops, Elected, Confirmed, and Conſecrated, according to the tenor thereof, *Shall be* obeyed *in all manner of things, according to the name, title, degree, and dignity, that they ſhall be ſo choſen and preſented unto, and do and* execute *in every thing and things, touching the ſame, as any Archbiſhop or Biſhop of the Realm, without offending of the Prerogative Royal of the Crown, and the Laws and Cuſtoms of this Realm, might at* any time heretofore *do.* Which ſhews plainly, that the King and Parliament meant no more, than that the Appointment and Conſecration of Biſhops ſhould be independent from the Pope, and that they ſhould renounce his Authority; and, having done that, ſhould proceed in the *Exerciſe* of the Epiſcopal Office, in the ſame manner as their *Predeceſſors* had done. And when Attempts were made, in the Reign of King *Charles* I. to place the Epiſcopal Juriſdiction upon the foot of this Statute, as ſtill in force; the twelve Judges (upon Reference thereof made to them) delivered their Opinion *July* 1. 1637. to the Court of *Star-Chamber*, as followeth:

Vid. ſuprà. p. 118.

May it pleaſe your Lordſhips,

The Judges Certificate concerning Eccleſiaſtical Juriſdiction.

"ACcording to your Lordſhips Order made in His "Majeſty's Court of *Star-Chamber*, the 12th of *May* "laſt, we have taken Conſideration of the Particulars "wherein our Opinions are required by the ſaid Order; "and we have all agreed,

"That Proceſſes may iſſue out of Eccleſiaſtical Courts in "the Name of *Biſhops*; and that a Patent under the *Great* "*Seal*, is not neceſſary for the keeping of the ſaid Eccleſiaſtical Courts, or for the enabling of *Citations*, *Suſpenſions*, *Excommunications*, or other Cenſures of the "Church: And that it is not neceſſary, that *Summons*, "*Citations*, or other Proceſſes Eccleſiaſtical in the ſaid "Courts, or *Inſtitutions* or *Inductions* to Benefices, or Correction of Eccleſiaſtical Offences by Cenſure in thoſe "Courts, be in the King's Name, or with the ſtyle of the "King, or under the King's Seal; or that their Seals of "Office have in them the King's Arms; And that the "Statute of *Primo Edvardi Sexti*, c. 2. which Enacted the "contrary, is not now in force.

"We are alſo of Opinion, That the *Biſhops*, *Archdeacons*, and other Eccleſiaſtical Perſons, may keep their "Viſitations, as uſually they have done, without Commiſſion under the Great Seal of *England* ſo to do.

Jo. Bramſtone,
Jo. Finch,
Humfr. Davenport,
William Jones,
Jo. Dinham,
Rich. Hutton,
George Croke,
Tho. Trevor,
George Vernon,
Ro. Berkley,
Fr. Crawley,
Ric. Weſton.

In purſuance of which Opinion, his Majeſty iſſued his Royal Proclamation, as followeth:

By the KING.

A Proclamation, declaring that the Proceedings of his Majeſty's Eccleſiaſtical Courts and Miniſters, are according to the Laws of the Realm.

Reference to the Judges, concerning the lawfulneſs of Proceſſes of Biſhops in their *own Name.*

"WHereas in ſome of the Libellous Books and "Pamphlets lately publiſhed, the moſt Reverend "Fathers in God, the Lord Archbiſhops and Biſhops of "this Realm, are ſaid to have uſurped upon his Majeſty's "Prerogative Royal, and to have proceeded in the High "Commiſſion and other Eccleſiaſtical Courts, contrary to "the Laws and Statutes of this Realm; it was ordered by "his Majeſty's high Court of Star-Chamber, the 12th day "of *June* laſt, that the Opinion of the two Lords Chief "Juſtices, the Lord Chief Baron, and the reſt of the Judges "and Barons, ſhould be had and certified in thoſe Particulars: *viz.* Whether Proceſſes may not iſſue out of the "Eccleſiaſtical Courts in the Name of the Biſhops? Whether a Patent under the Great Seal be neceſſary for the "keeping of the Eccleſiaſtical Courts, and enabling Citations, Suſpenſions, Excommunications, and other Cenſures of the Church? And, whether Citations ought to "be in the King's Name, and under his Seal of Arms; "and the like for Inſtitutions and Inductions to Benefices, "and Correction of Eccleſiaſtical Offences? Whether Biſhops, Archdeacons, and other Eccleſiaſtical Perſons, "may or ought to keep any Viſitation at any time, unleſs "they have expreſs Commiſſion or Patent under the Great "Seal of *England* to do it, and that as his Majeſty's Viſitors only, and in his Name and Right alone?

The *Reſolutions* of the Judges.

"Whereupon his Majeſty's ſaid Judges having taken the "ſame into their ſerious Conſideration, did unanimouſly "concur and agree in Opinion, and on the 1ſt day of *July* "laſt certified under their hands as followeth: That Proceſſes may iſſue out of the Eccleſiaſtical Courts in the "name of the Biſhops; and, that a Patent under the Great "Seal is not neceſſary for the keeping of the ſaid Eccleſiaſtical Courts, or for enabling of Citations, Suſpenſions, "Excommunications, and other Cenſures of the Church; "and, that it is not neceſſary, that Summons, Citations, "or other Proceſſes Eccleſiaſtical in the ſaid Courts, or Inſtitutions or Inductions to Benefices, or correction of Eccleſiaſtical offences by Cenſure in thoſe Courts, be in the "King's name, or with the ſtyle of the King, or under the "King's Seal; or that their Seals of Office have in them "the King's Arms; and, that the Statute of *Primo Edvardi ſexti, cap. ſecundo*, which enacted the contrary, is not "now in force; and, that the Biſhops, Archdeacons, and "other Eccleſiaſtical Perſons, may keep their Viſitations as "uſually they have done, without Commiſſion under the "Great Seal of *England* ſo to do. Which Opinions and "Reſolutions being declared under the hands of all his "Majeſty's ſaid Judges, and ſo certified into his Court of "Star-Chamber, were there recorded. And it was by "that Court further ordered, the 4th day of the ſaid "Month of *July*, that the ſaid Certificate ſhould be enroll-

The *Enrollment* of the ſaid Reſolutions, in all the Courts;

Eccleſiaſtical Proceſs ſhall be made in the name of the King,

—with the *Teſte* of the Archbiſhop or Biſhop.

Common Law uſed in this Realm (ſeeing that all authority of juriſdiction Spiritual and Temporal is derived and deduced from the Kings Majeſty, as Supreme Head of theſe Churches and Realms of England and Ireland, and ſo juſtly acknowledged by the Clergy of the ſaid Realms, that all Courts Eccleſiaſtical within the ſaid two Realms, be kept by no other power or authority, either foreign or within this Realm, but by the authority of his moſt excellent Majeſty:) Be it therefore further enacted by the authority aforeſaid, That all Summons and Citations, or other Proceſs Eccleſiaſtical, in all ſuits and cauſes of inſtance betwixt party and party, and all cauſes of correction, and all cauſes of Baſtardy, or Bigamy, or Inquiry de jure patronatûs, probates of Teſtaments, and commiſſions of adminiſtrations of perſons deceaſed, and all acquittances of and upon accounts made by the Executors, Adminiſtrators, or Collectors, of goods of any dead perſon, be from the firſt day of July next following, made in the name, and with the ſtyle of the King, as it is in writs original or judicial at the Common Law: And that the Teſte thereof be in the name of the Archbiſhop or Biſhop, or other having Eccleſiaſtical juriſdiction, who hath the commiſſion and grant of the authority Eccleſiaſtical immediatly from the Kings Highneſs, and that his Commiſſary, Official or Subſtitute, exerciſing juriſdiction under him, ſhall put his name in the Citation or Proceſs after the Teſte.

All Perſons exerciſing Eccleſiaſtical Juriſdiction, ſhall have the King's Arms in their Seals, —and, Writing or Sealing otherwiſe, than according to this Act, ſhall ſuffer Impriſonment at the King's Will.

IV. Furthermore be it enacted by the authority aforeſaid, That all manner of perſon or perſons, who have the exerciſe of Eccleſiaſtical juriſdiction, ſhall have from the firſt day of July before expreſſed, in their ſeals of Office, the Kings Highneſs Arms decently ſet, with certain Characters under the Arms, for the knowledge of the Dioceſs, and ſhall uſe no other Seal of juriſdiction, but wherein his Majeſties Arms be ingraven; upon pain that if any perſon ſhall uſe Eccleſiaſtical juriſdiction (after the day before expreſſed) in this Realm of England, Wales, or other his Dominions or Territories, and not ſend or make out the Citation or Proceſs in the Kings name, or uſe any ſeal of juriſdiction other than before limited, that every ſuch offender ſhall incur and run in the Kings Majeſties diſpleaſure and indignation, and ſuffer impriſonment at his Highneſs will and pleaſure.

V. Provided that no more, nor other fees be taken or paid for the ſeal and writing of any Citations or other Proceſs, than was heretofore accuſtomed.

The Archbiſhop of *Canterbury* may uſe his own Seal in Faculties; —and Archbiſhops, and Biſhops, in matters relating to their own Officers, —and in Certificates of Firſt fruits and Tenths; —and in Collations, *&c.* Letters of Orders, and Letters Dimiſſory.

VI. Provided alſo, and be it enacted by the authority aforeſaid, that the Archbiſhop of Canterbury for the time being, ſhall uſe his own ſeal, and his own name, in all faculties and diſpenſations, according to the tenor of an Act therein made: And that the ſaid Archbiſhops and Biſhops ſhall make, admit, order and reform their Chancellors, Officials, Commiſſaries, Advocates, Proctors, and other Officers, Miniſters and Subſtitutes, and Commiſſions of Suffragan Biſhops in their own names, under their own ſeals, in ſuch manner and form as they have heretofore uſed: And ſhall certifie to the Court of Tenths their certificates under their own names and ſeals, as heretofore they have uſed, and according to the Statute in that caſe made and provided: and likewiſe ſhall make collations, preſentations, gifts, inſtitutions and inductions of benefices, letters of order, or dimiſſories, under their own names and ſeals, as they have heretofore accuſtomed: any thing in this Act contained to the contrary notwithſtanding.

Any Proceſs being awarded by Eccleſiaſtical Judges to the King's Courts, —the Certificate thereof ſhall be in the King's Name, under the Seal of the Biſhop, and *Teſte'd* by him or his Officer.

VII. Provided always, and be it enacted by the authority aforeſaid, That all proceſs hereafter to be made or awarded by any Eccleſiaſtical perſon or perſons, for the trial of any plea or pleas, or matter depending, or that hereafter ſhall depend in any of the Kings Courts of records at the Common Law, and limited by the Laws and Cuſtoms of this Realm to the Spiritual Courts to try the ſame, that the Certificate of the ſame, after the trial thereof, ſhall be made in the Kings name for the time being, and with the ſtile of the ſame King, and under the ſeal of the Biſhop, graved with the Kings Arms, with the name of the Biſhop, or Spiritual Officer, being to the Teſte of the ſame Proceſs and Certificate, and to every of them.

—and his Majeſties *Proclamation* purſuant thereunto.

" ed in all other his Majeſty's Courts at *Weſtminſter*, and " in the High Commiſſion, and other Eccleſiaſtical Courts, " for the ſatisfaction of all Men, that the Proceedings in the " High Commiſſion and other Eccleſiaſtical Courts, are " agreeable to the Laws and Statutes of the Realm.

" And his Royal Majeſty hath thought fit, with Advice " of his Council, that a publick Declaration of theſe the " Opinions and Reſolutions of his Reverend and Learned " Judges, being agreeable to the Judgment and Reſolutions " of former times, ſhould be made known to all his Sub- " jects, as well to vindicate the legal Proceedings of his " Eccleſiaſtical Courts and Miniſters, from the unjuſt and " ſcandalous imputation of invading or entrenching on his " Royal Prerogative, as to ſettle the minds, and ſtop the " mouths of all unquiet Spirits, that for the future they " preſume not to cenſure his Eccleſiaſtical Courts or Mini- " ſters in theſe their juſt and warranted Proceedings: And " hereof his Majeſty admoniſheth all his Subjects to take " warning, as they ſhall anſwer the contrary at their perils.

Given at the Court of Lyndhurſt, *the* 18*th day of* Auguſt,
in the 13*th Year of his Majeſty's Reign.*

GOD SAVE THE KING.

A.D. 1550. &c.

3 & 5 Edw. VI. ——— 13, 14 Car. II.

In the Form of Conſecrating a Biſhop.

The Archbiſhop.

WILL you maintain and ſet forward, as much as ſhall lie in you, Quietneſs, [1] Love and Peace," among all Men; and ſuch as be Unquiet, Diſobedient and Criminous within your Dioceſs, correct and puniſh, according to ſuch authority as you have [c] by God's word, and as to you ſhall be committed by the Ordinance of this Realm?

The authority of a Biſhop, from God, and the Laws.

Anſwer.

I will ſo do, by the help of God.

[1] *Peace and Love*, 5 *E.* 6.

[c] **By God's Word.**] This, which is part of the Acts of Uniformity, is a Recognition of the *Spiritual Power* of the Church, by the Laws of Chriſt; and explains what is meant by the *King's Eccleſiaſtical Judges*, the *King's Eccleſiaſtical Laws*, and the like; namely, the King's Miniſters in *Foro exteriori*, for ſuch Cauſes and Matters as are committed to their Cogniſance by the Laws of the Realm.

A.D. 1554.

1, 2 Phil. & Mar. Cap. 8.

In an Act, Entituled, *An Act Repealing all Articles and Proviſions made againſt the See Apoſtolick*, &c.

§. XXXII. —— Inſuper *Majeſtatibus veſtris* [d] ſupplicamus, pro ſua pietate efficere dignentur, ut ea quæ ad juriſdictionem noſtram & libertatem Eccleſiaſticam pertinent, ſine quibus debitum noſtri paſtoralis officii & curæ animarum nobis commiſſæ exercere non poſſumus, nobis, ſuperiorum temporum injuriâ ablata, reſtituantur, & ea nobis & Eccleſiæ perpetua illæſa & ſalva permaneant, & ut omnes leges, quæ hanc noſtram juriſdictionem & libertatem Eccleſiaſticam tollunt, ſeu quovis modo impediunt, abrogentur; ad honorem Dei, & Majeſtatum veſtrarum & univerſi hujus Regni ſpirituale & temporale commodum & ſalutem: certam ſpem etiam habentes, *Majeſtates veſtras*, pro ſua ſingulari in ipſum Deum pietate, proque multis & inſignibus ab Dei ipſius bonitate acceptis beneficiis, neceſſitatibus & incommodis hujus ſui Regni Eccleſiarum, maximè curam animarum habentium nunquam defuturas eſſe, ſed prout opus fuerit, conſulturas atque proviſuras.

The Clergy pray, that the Eccleſiaſtical Juriſdiction may be reſtored,

—and all Laws againſt it, aboliſhed.

Rep. 1 *Eliz.* c. 1.

§. LIII. ----- **And the Eccleſiaſtical juriſdiction of the Archbiſhops, Biſhops, and Ordinaries, to be in the ſame ſtate, for proceſs of ſuits, puniſhment of crimes, and execution of cenſures of the Church, with knowledge of cauſes belonging to the ſame, and as large in theſe points, as the ſaid juriſdiction was the ſaid twentieth year.**

Eccleſiaſtical Juriſdiction reſtored.

Journ. Sup. Dom.

[d] Supplicamus.] In the Acts of Convocation, *Dec.* 7. 1554, is the following Entry: *Sequitur*, Proteſtatio *quædam Epiſcoporum facta Regi & Reginæ, cum gravi* Supplicatione, *ut Juriſdictiones ſuæ ſibi reſtituantur*, &c. *Et conventum erat, ſubſcriptam Petitionem oblatam iri per Prolocutorem & ſex alios Prælatos Inferioris Domûs Dominis Regi & Reginæ, vice totius Synodi*, &c.

8 Eliz. Cap. 19.

In an Act, Entituled, *An Act for the Queen's Free and General Pardon.*

EXP.

---- **And alſo excepted out of this free pardon, all offences committed or done by any perſon or perſons, whereof the Correction and Puniſhment doth appertain to the order and judgment of any Eccleſiaſtical Judge or Court.**

All Offences, within the Eccleſiaſtical Juriſdiction, excepted in General Pardon.

A.D. 1661.

13 Car. II. Cap. 12.

An Act for explanation of a Clauſe contained in an Act of Parliament made in the Seventeenth year of the late King CHARLES, *Entituled*, *An Act for Repeal of a Branch of a Statute Primo* Elizabethæ, *concerning Commiſſioners for Cauſes Eccleſiaſtical.*

Where in an [e] Act of Parliament made in the ſeventeenth year of the late King Charles, **Entituled**, An Act for Repeal of a Branch of a Statute Primo Elizabethæ, concerning Commiſſioners for Cauſes Eccleſiaſtical, **it is (among other things) Enacted, That no Archbiſhop, Biſhop, nor Vicar-General, nor any Chancellor, nor**

Recital of 17 *Car.* 1. *c.* 11. againſt Eccleſiaſtical Judges, inflicting Fines, and corporal Puniſhments;

[e] **Act of Parliament.**] Which Act ſee at large before, in pag. 50.

Spiritual Juriſdiction of the Church of England.

Commiſſary of any Archbiſhop, Biſhop, or Vicar-General, nor any Ordinary whatſoever, nor any other Spiritual or Eccleſiaſtical Judge, Officer or Miniſter of Juſtice, nor any other perſon or perſons whatſoever exerciſing Spiritual or Eccleſiaſtical Power, Authority, or Jurisdiction, by any Grant, Licence or Commiſſion of the Kings Majeſty, his Heirs or Succeſſors, or by any Power or Authority derived from the King, his Heirs or Succeſſors, or otherwiſe, ſhall (from and after the firſt day of Auguſt, which then ſhall be in the year of our Lord God, M.D.XLI.) award, impoſe, or inflict any pain, fine, penalty, amerciament, impriſonment, or other corporal puniſhment, upon any of the Kings Subjects, for any contempt, misdemeanour, crime, offence, matter or thing whatſoever, belonging to Spiritual or Eccleſiaſtical Cogniſance or Jurisdiction: Whereupon ſome doubt hath been made, that all ordinary power of Coercion and proceedings in cauſes Eccleſiaſtical were taken away, whereby the ordinary Courſe of Juſtice in Cauſes Eccleſiaſtical hath been obſtructed: Be it therefore declared and enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority thereof, That neither the ſaid Act, nor any thing therein contained, doth, or ſhall take away any ordinary power or authority from any of the ſaid Archbiſhops, Biſhops, or any other perſon or perſons named as aforeſaid, but that they and every of them, exerciſing Eccleſiaſtical Jurisdiction, may proceed, determine, ſentence, execute and exerciſe all manner of Eccleſiaſtical Juriſdiction, and all Cenſures and Coercions appertaining and belonging to the ſame, before the making of the Act before recited, in all cauſes and matters belonging to Eccleſiaſtical Jurisdiction, according to the Kings Majeſties Eccleſiaſtical Laws uſed and practiſed in this Realm, in as ample manner and form as they did, and might lawfully have done, before the making of the ſaid Act.

—and a Doubt thereupon, whether all Power of Coercion in Cauſes Eccleſiaſtical be not taken away.

Enacted, that, Biſhops, and Eccleſiaſtical Judges, may exerciſe Juriſdiction, and inflict Cenſures, as before the making of the ſaid Act.

CAP. II.

Exerciſe of TEMPORAL JURISDICTION, *by* SPIRITUAL *Perſons.*

OTHOBON.

A.D. 1268. 52 *H.* 3.

Summarium.

Clerici, præcipuè Sacerdotes, Juriſdictionem Sæcularem à nullo ſuſcipiant, nec exerceant; ſuſceptam autem intra duos menſes proximos dimittant, eandem nunquam reſumpturi. Contravenientes autem, ab Officio & Beneficio ſint ipſo facto ſuſpenſi: qui verò ſuſpenſi ſeſe ingeſſerint, Canonicam ultionem, ad Diœceſani arbitrium infligendam, ſalvis Domini Regis privilegiis, incurrant.

The exerciſe of Temporal Juſtice, being a blemiſh to the Miniſterial Office,

Exerciſe of Temporal Juriſdiction, by Spiritual Perſons.

CUM honeſtatis Eccleſiaſticæ ſpeciale decus exiſtat, à carnalibus longè fieri actibus, nec Sæcularibus negotiis miniſtrare manus deputatas cœleſtibus miniſteriis: grave ac ſordidum reputamus, quòd Clerici quidam terrena lucra & temporales Juriſdictiones fœdâ petulentiâ & avidâ voracitate ſectantes, Juriſdictionem recipiunt à Laicis Sæcularem, ut Juſtitiarii nuncupentur, & miniſtri fiant Juſtitiæ, quam non poſſunt ſine Canonicæ † diſpoſitionis & Clericalis Ordinis injuria miniſtrare.

Othob. Edit. Oxon. p. 89.

† Diſpenſationis. *MS.*

—no Perſon, in Holy Orders, ſhall exerciſe Secular Juriſdiction,

Nos igitur horrendum hoc vitium extirpare volentes, univerſis Eccleſiarum Rectoribus, & perpetuis Vicariis, imo quibuſcunque in Sacerdotio conſtitutis, diſtrictiùs Inhibemus, nè Juriſdictionem Sæcularem à perſona Sæculari ſuſpiciant, vel ipſam exercere præſumant: qui autem eam ſuſceperint, ipſam etiam infra duos menſes omninò dimittant, eam de cætero nullatenus reſumpturi.

—upon pain of Suſpenſion *ab officio & beneficio,*

Proviſoe, for the Rights of the King's Clerks.

Quia verò apud malevolas Animas inhibitio non valeret, niſi contra hujuſmodi delinquentes pœnalis ultio ſubſequatur, Decrevimus, ut quiſquis contra prædicta venire tentaverit, ipſo facto ab Officio & Beneficio ſit ſuſpenſus; ad quæ ſi temere ſic ſuſpenſus ſe ingeſſerit, ultionem Canonicam non evadet. Hujuſmodi verò ultio, per Diœceſanum ejus qui contra iſta fecerit, donec emendaverit ipſius Diœceſani arbitrio, & Juramentum præſtiterit quòd de cætero ſimilia non committet, nullatenus relaxetur; ſalvis Domini Regis [f] privilegiis in hac parte.

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[f] Privilegiis.] *Quæ ad unguem vendicant* Clerici *Domini noſtri Regis, præcipuè in* Cancellariâ *ſuâ exiſtentes.* J. de Athon.

Exerciſe of Temporal Juriſdiction, by Spiritual Perſons.

A.D. 1640.

16 Car. I. Cap. 27.

An Act for diſ-enabling all Perſons in Holy Orders, to exerciſe any Temporal Juriſdiction or Authority.

WHereas Biſhops and other perſons in Holy Orders ought not to be intangled with Secular Juriſdiction (the Office of the Miniſtry being of ſuch great importance, that it will take up the whole Man) and for that it is found by long experience that their intermedling with ſecular juriſdictions hath occaſioned great miſchief and ſcandal both to Church and State: His Majeſty out of his Religious care of the Church, and Souls of his people, is graciouſly pleaſed that it be enacted, and by the authority of this preſent Parliament be it enacted, That no Archbiſhop or Biſhop, or other perſon that now is or hereafter ſhall be in Holy Orders, ſhall at any time after the fifteenth day of February in the year of our Lord one thouſand ſix hundred forty one, have any ſeat or place ſuffrage or voice, or uſe or execute any power or authority in the Parliament of this Realm, nor ſhall be of the Privy Council of his Majeſty, his Heirs, or Succeſſors, or Juſtices of the Peace, of Oyer and Terminer, or Gaol-delivery, or execute any Temporal authority, by virtue of any Commiſſion; But ſhall be wholly diſabled, and be uncapable to have, receive, or execute any of the ſaid Offices, Places, Powers, Authorities, and Things aforeſaid.

Clergymen's exerciſing Temporal Juriſdiction, being inconſiſtent with their Miniſtry, and hurtful to Church and State,

Enacted, that, No Archbiſhop, or Biſhop ſhall ſit in Parliament; nor they, nor any others in Holy Orders, exerciſe any other Temporal Authority.

II. And be it further enacted by the authority aforeſaid, that all Acts from and after the ſaid fifteenth day of February which ſhall be done or executed by any Archbiſhop or Biſhop or other perſon whatſoever in Holy Orders, and all and every Suffrage or Voice given or delivered by them, or any of them, or other thing done by them, or any of them, contrary to the purport and true meaning of this preſent Act, ſhall be utterly void, to all intents, conſtructions, and purpoſes.

All Votes given or Acts done, contrary to this Statute, ſhall be void,

A.D. 1661.

13 Car. II. Cap. 2.

An Act for Repeal of an Act of Parliament, entituled, An Act for diſ-enabling all Perſons in Holy Orders to exerciſe any Temporal Juriſdiction or Authority.

WHereas at the Parliament begun at Weſtminſter, the third day of November, in the ſixteenth year of the Reign of our late Sovereign Lord King Charles of bleſſed memory, ſince deceaſed, an Act of Parliament was made, entituled, An Act for diſ-enabling all Perſons in Holy Orders to exerciſe any Temporal Juriſdiction or Authority, Which Act hath made ſeveral alterations prejudicial to the Conſtitution and ancient Rights of Parliament, and contrary to the Laws of this Land, and is by experience found otherwiſe inconvenient; Be it enacted by the Kings moſt excellent Majeſty, by and with the Advice and Conſent of the Lords and Commons in this Parliament aſſembled, and by the authority of the ſame, That the ſaid Act, Entituled, An Act for diſ-enabling all Perſons in Holy Orders to exerciſe any Temporal Juriſdiction or Authority, and every clauſe, matter and thing therein contained, ſhall be, and is hereby from henceforth repealed, annulled and made void, to all intents and purpoſes whatſoever.

The foregoing Act, being prejudicial to the Rights of Parliament, and contrary to the Laws of the Land, and inconvenient,

—is hereby repealed and made void.

TIT. XL.

SYNODS, and CONVOCATIONS, of Biſhops and Clergy.

THE CONTENTS.

Cap. I. *The* AUTHORITY *of* SYNODS.
Cap. II. *An Engliſh* CONVOCATION.
Cap. III. SUBSIDIES *in Convocation.*
Cap. IV. *Subſidies of the Clergy, as* CONFIRMED *in* PARLIAMENT.
Cap. V. CLERGY, *as* TAXED, *or* EXCEPTED, *in the Subſidy-Acts of the Laity.*

CAP. I.

The AUTHORITY *of* SYNODS.

39 ARTICLES.

A.D.1562.

xxi. *Of the authority of General Councils.*

General Councils may not meet, without the Command of Princes, —and being met, they may err; —and may not ordain any thing as neceſſary, but what is in Scripture.

Authority of Synods.

GENERAL Councils may not be gathered together without the Commandment and Will of Princes, and when they be gathered together (foraſmuch as they be an Aſſembly of men, whereof all be not governed with the Spirit and Word of God) they may err, and ſome time have erred, [1] even″ in things pertaining unto God. Wherefore things ordained by them as neceſſary to ſalvation, have neither ſtrength nor authority, unleſs it may be declared that they be taken out of holy Scripture.

[1] *Not only in Worldly-matters, but alſo,* Edw. 6.

CANONS 1603.

1 Jac. 1.

xii. *Maintainers of Conſtitutions made in Conventicles cenſured.*

To affirm, that any Perſons may make Canons without the King's Authority; ſhall be Excommunication *ipſo facto*.

WHoſoever ſhall hereafter affirm, That it is lawful for any ſort of Miniſters and Lay-perſons, or of either of them, to joyn together, and make Rules, Orders, or Conſtitutions in Cauſes Eccleſiaſtical, without the King's Authority, and ſhall ſubmit themſelves to be ruled and governed by them: Let them be Excommunicated *ipſo facto*, and not be reſtored until they repent, and publickly revoke thoſe their wicked and *Anabaptiſtical* Errors.

CANONS 1603.

1 Jac. 1.

cxxxix. *A National Synod, the Church Repreſentative.*

To affirm, that a Synod is not the Church Repreſentative, ſhall be Excommunication.

WHoſoever ſhall hereafter affirm, that the ſacred Synod of this Nation, in the Name of Chriſt, and by the KING's Authority aſſembled, is not the true Church of *England* by repreſentation, let him be Excommunicated, and not reſtored until he repent, and publickly revoke that his wicked Error.

Authority of Synods.

1 Jac. 1.

CANONS 1603.

cxl. *Synods conclude as well the abſent as the preſent.*

To affirm, that none are obliged by Canons, but who are aſſembled in Synod, ſhall be Excommunication.

WHoſoever ſhall affirm, that no manner of Perſon either of the Clergy or *a* Laity, not being themſelves particularly aſſembled in the ſaid ſacred Synod, are to be ſubject to the Decrees thereof in cauſes Eccleſiaſtical (made and ratified by the King's Majeſties ſupreme Authority) as not having given their voices unto them; let him be Excommunicated, and not reſtored until he repent and publickly revoke that his wicked Error.

12 Rep. 72.

a **Laity.**] "A Convocation (ſaith my Lord *Coke*) "may make Conſtitutions, by which thoſe of the *Spiritualty* ſhall be bound (for this, that they all, by Repreſentation, or in Perſon, are preſent,) but not the *Temporalty*." By which, it is to be hoped, his Lordſhip did not mean, that when Canons and Conſtitutions are framed by the *Eccleſiaſtical Legiſlature* about matters merely *ſpiritual*, and, being enforced by Eccleſiaſtical Cenſures for the Improvement of the Diſcipline of the Church, are Confirmed by the *King* as *Supreme Head of the Church*; that ſuch Confirmation hath not force enough to compel the *Laity* to ſubmit and Conform to them, upon pain of ſuch Cenſures. This would look, as if the Laity had nothing to be *ſaved*, but their Eſtates; nor the Clergy any thing to do, but to ſave *themſelves*: and if, in the Reign of Queen *Elizabeth*, this Doctrin (that the Parliament's intermedling in any matter concerning Religion, was an Invaſion of the Royal Supremacy) was thought an *Extreme* on *one* ſide; ſuch an entire *Excluſion* of the Supremacy from any effect or influence over the *Laity*, in matters which merely concern Religion, may well be thought an Extreme on the *other* ſide.

4 Ventr. 41.

Much truer, undoubtedly, is the Doctrin delivered by *Vaughan*, in the Caſe of *Grove* and *Elliot*: *The* Convocation, *with the Licence and Aſſent of the* King, *under the Great Seal, may make Canons for Regulation of the Church; and that as well concerning* Laicks *as* Eccleſiaſticks: — *All that is required of them in making of new Canons, is, that they confine themſelves to* Church-*matters.* Upon which Foundation it is, that he declares elſewhere, in the Caſe of *Hill* and *Good*, That a Canon ſo made, *is the Law of the* Kingdom, *as well* as an Act of Parliament; and he cannot mean, a Law to the *Clergy* only, becauſe the Canon he there ſpeaks of, is that which forbids *Marriage* within certain degrees. Vaugh. 327.

1 Jac. 1.

CANONS 1603.

cxli. *Depravers of the Synod cenſured.*

To affirm, that the Convocation of 1603, was a Conſpiracy againſt godly Profeſſors, ſhall be Excommunication.

WHoſoever ſhall hereafter affirm, that the Sacred Synod aſſembled as aforeſaid, was a Company of ſuch perſons as did conſpire together againſt godly and religious Profeſſors of the Goſpel: And that therefore both they and their proceedings, in making of Canons and Conſtitutions in cauſes Eccleſiaſtical by the King's Authority as aforeſaid, ought to be deſpiſed and contemned, the ſame being ratified, confirmed and enjoyned by the ſaid Regal Power, Supremacy and Authority; let them be Excommunicated, and not reſtored until they repent, and publickly revoke that their wicked Error.

CAP. II.

An ENGLISH CONVOCATION.

A.D. 1429.

8 Henr. VI. Cap. 1.

The Clergy of the Convocation ſhall have ſuch liberty as they which come to the Parliament.

An Engliſh *Convocation.*

The Clergy coming to Convocation, and their Servants, being often arreſted,

FIrſt, Becauſe the Prelates and Clergy of the Realm of England called to the Convocation, and their ſervants and families that come with them to ſuch Convocation, oftentimes and Commonly are arreſted, moleſted and inquieted: Our ſaid Lord the King, willing graciouſly in this behalf to provide for the ſecurity and quietneſs of the ſaid Prelates and Clergy, at the ſupplication of the ſame Prelates and Clergy, and by the aſſent of the great men and Commons aforeſaid, hath ordained and eſtabliſhed, That all the Clergy hereafter to be called to the Convocation by the Kings Writ, and their ſervants and families, ſhall for ever hereafter fully uſe and enjoy ſuch *b* liberty or defence in coming, tarrying and returning, as the great men and Commonalty of the Realm of England, called or to be called to the Kings Parliament, do enjoy, and were wont to enjoy, or in time to come ought to enjoy.

Enacted, that, — the Convocation-Clergy ſhall have the ſame Liberty as Members of Parliament.

3 *Car.* 1. Apr. 29. & Jun. 29. And in 1657, and 1668. temp. *Car.* 2.

b **Liberty.**] In the Journals of the Houſe of Lords, we find ſeveral Applications to their Lordſhips for Redreſs, in caſes where this *Liberty* of the Convocation-Clergy hath been invaded; which their Lordſhips have accordingly granted.

24 Henr. VIII. Cap. 12.

In an Act, Entituled, *For the Reſtraint of Appeals.*

In Cauſes Eccleſiaſtical which touch the King, the appeal ſhall be to the Upper Houſe of Convocation;

—whoſe Judgment ſhall he final.

§. IX. And in caſe any cauſe, matter or contention now depending for the cauſes before rehearſed, or any of them, or that hereafter ſhall come in contention for any of the ſame cauſes, in any of the foreſaid Courts, which hath, doth, ſhall or may touch the King, his Heirs or Succeſſors Kings of this Realm: that in all and every ſuch caſe or caſes, the party grieved, as before is ſaid, ſhall or may appeal from [c] any of the ſaid Courts of this Realm, where the ſaid matter now being in contention, or hereafter ſhall come in contention touching the King, his Heirs or Succeſſors (as is aforeſaid) ſhall happen to be ventilate, commenced, or begun, to the Spiritual Prelates and other Abbots and Priors of the upper houſe, aſſembled and convocate by the Kings writ, in the Convocation being, or next enſuing, within the Province or Provinces, where the ſame matter of contention is or ſhall be begun. So that every ſuch appeal be taken by the party grieved, within fifteen days next after the Judgment or Sentence thereupon given or to be given. And that whatſoever be done or ſhall be done and affirmed, determined, decreed and adjudged by the foreſaid Prelates, Abbots, and Priors of the upper houſe of the ſaid Convocation, as is aforeſaid, appertaining, concerning, or belonging to the King, his Heirs, and Succeſſors, in any of the foreſaid cauſes of appeals, ſhall ſtand and be taken for a final Decree, Sentence, Judgment, Definition, and Determination, and the ſame matter, ſo determined, never after to come in queſtion and debate, to be examined in any other Court or Courts.

[c] **Any of the ſaid Courts.**] That is, the Courts of *Arches*, or *Audience*, of any Archbiſhop; the determination whereof in all Cauſes between Subject and Subject, was *final* by this Statute, and the *further* Appeal to the Delegates was not provided, when this Clauſe was put in; *viz.* not till Stat. 25 *Hen.* 8. c. 19. §. 4.

25 Henr. VIII. Cap. 19.

A.D.1533.

The Clergy in their Convocations ſhall enact no Conſtitutions, without the Kings Aſſent.

The Declaration of the Clergy, that they cannot aſſemble in Convocation, but only by the King's Writ: —and that they will not attempt, *&c.* or enact, *&c.* Canons without his Licence.

The deſire of the Clergy, that the Examination of the Canons may be committed to 32 Perſons;

—and being annulled, or approved, may be abrogated, or ſtand, accordingly.

The Clergy ſhall not preſume to attempt, *&c.* nor enact, *&c.* Canons,

Where the Kings humble and obedient Subjects, the Clergy of this Realm of England, have not only knowledged according to truth, that the Convocations of the ſame Clergy, is, always hath been, and ought to be aſſembled only by the Kings Writ, but alſo ſubmitting themſelves to the Kings Majeſty, have promiſed in verbo Sacerdotii, that they will never from henceforth preſume to attempt, alledge, claim, or put in ure, or enact, promulge, or execute any new Canons, Conſtitutions, Ordinance Provincial, or other, or by whatſoever other name they ſhall be called, in the Convocation, unleſs the King's moſt Royal aſſent and licence may to them be had, to make, promulge, and execute the ſame; and that his Majeſty do give his moſt Royal aſſent and authority in that behalf: And where divers Conſtitutions, Ordinances, and Canons, Provincial, or Synodal, which heretofore have been enacted, and be thought not only to be much prejudicial to the Kings Prerogative Royal, and repugnant to the Laws and Statutes of this Realm, but alſo overmuch onerous to his Highneſs and his ſubjects; The ſaid Clergy hath moſt humbly beſought the Kings Highneſs, that the ſaid Conſtitutions and Canons may be committed to the examination and judgment of his Highneſs, and two and thirty perſons of the Kings ſubjects, whereof ſixteen to be of the upper and nether houſe of the Parliament, of the Temporal, and other ſixteen to be of the Clergy of this Realm: And all the ſaid two and thirty perſons to be choſen and appointed by the Kings Majeſty: And that ſuch of the ſaid Conſtitutions and Canons as ſhall be thought and determined by the ſaid two and thirty perſons, or the more part of them, worthy to be abrogated and adnulled, ſhall be abolite and made of no value accordingly: And ſuch other of the ſame Conſtitutions and Canons, as by the ſaid two and thirty, or the more part of them, ſhall be approved to ſtand with the Laws of God, and conſonant to the Laws of this Realm, ſhall ſtand in their full ſtrength and power, the Kings moſt Royal aſſent firſt had and obtained to the ſame: Be it therefore now enacted by authority of this preſent Parliament, according to the ſaid ſubmiſſion and petition of the ſaid Clergy, that they ne any of them, from henceforth ſhall preſume to attempt, alledge, claim, or put in ure any [cc] Conſtitutions, or

Lyndw. de Maj. c. *Presb.* v. *Juramento.* p. 70.

[cc] **Conſtitutions.**] The Powers of Archbiſhops and Biſhops in their Provincial Synods, before the making of this Act, are thus ſet forth by *Lyndwood*: *Poſſunt Archiepiſcopi & Epiſcopi Conſtitutiones facere Juris Communis declaratorias & revocatorias; & ubi pœna deficit in jure, poſſunt pœnas apponere, & veterem pœnam augere. Poſſunt etiam Conſtitutionibus Papalibus addere, & eas ſupplere; & ad Correctionem Morum Statuta facere præceptoria, prohibitoria, & pœnalia; dum tamen Jus commune non ſubvertant. Poſſunt etiam in his quæ ad ipſorum Juriſdictionem pertinent, Statuta facere, dum tamen Legibus generalibus non obſiſtant.*

An Engliſh *Convocation.*

Ordinances, [d] Provincial or Synodal, or any other Canons; nor ſhall enact, promulge, or execute any ſuch Canons, Conſtitutions, or Ordinance Provincial, by whatſoever name or names they may be called, in their Convocations in time coming, (which alway ſhall be aſſembled by authority of the Kings writ) unleſs the ſame Clergy may have the Kings moſt Royal aſſent and licence to make, promulge, and execute ſuch Canons, Conſtitutions, and Ordinances Provincial or Synodal; upon pain of every one of the ſaid Clergy, doing contrary to this Act, and being thereof convict, to ſuffer impriſonment, and make fine at the King's will.

— without the Royal aſſent to make, promulge, and execute;

§. II. —— Provided alway, That no Canons, Conſtitutions, or Ordinance, ſhall be made or put in execution within this Realm, by authority of the Convocation of the Clergy, which ſhall be contrariant, or repugnant, to the King's Prerogative Royal, or the Cuſtoms, Laws, or Statutes of this Realm; Any thing contained in this Act to the contrary hereof notwithſtanding.

— nor ſhall any Canons be made, or executed, that are contrary to the Prerogative Royal, and Laws of the Realm.

Lyndw. de Hær. c. *Nullus.* v. *Synodalibus.* p. 297.

[d] **Provincial or Synodal.**] *Si Conſtitutio Synodalis liget Subditos ſtatuentis, ita quòd non liceat contravenire determinatis in Synodo Epiſcopali, multò fortiùs hoc erit dicendum quoad deciſa & determinata in Synodo Provinciali.*

A.D. 1554.

1, 2 Phil. & Mar. Cap. 8.

In An Act, Entituled, *An Act repealing all Articles and Proviſions made againſt the See Apoſtolick.*

VIII. And where at a Seſſion of the ſaid Parliament holden in the five and twentieth year of the Reign of the ſaid late King, there was alſo one act made, entituled, The Submiſſion of the Clergy to the Kings Majeſty. ---- the ſaid Act ---- ſhall be by authority of this preſent Parliament from henceforth utterly void, made fruſtrate, and repealed. ----

Repeal of the foregoing Statute.

A.D. 1558.

1 Eliz. Cap. 1.

In an Act Entituled, *An Act to reſtore to the Crown the antient Juriſdiction over the Eſtate Eccleſiaſtical,* &c.

VI. And one other Act in the ſaid five and twentieth year, Intituled, An Act concerning the ſubmiſſion of the Clergy to the Kings Majeſty —— ſhall be revived, and ſhall ſtand and be in full force and ſtrength, to all intents, conſtructions, and purpoſes.

Reviver of the foregoing Statute.

CAP. III.

DISMES *in Convocation.*

A.D. 1421.

9 Henr. V. Cap. 9.

An Act that Abbots and other Religious Perſons may be diſcharged of Collection of Diſmes, *out of the County where they dwell.*

Diſmes in Convocation.

EXP.

ITEM, Foraſmuch as the Abbots and Priors of the Realm of England have had and ſuſtained great damage, loſſes, coſts, and diſeaſes, before this time, by that they have been aſſigned by the Archbiſhops and Biſhops of the ſame Realm of England, to gather the Diſmes granted to the Kings of England by the Clergy, very far from their Houſes, and alſo in divers Dioceſſes and Counties, as they have ſhewed to our ſaid Soveraign Lord the King by their petition delivered in this preſent Parliament: The King our Soveraign Lord, having thereto conſideration, hath ordained and eſtabliſhed, That no Abbot nor Prior, within the Realm of England, ſhall be by any Archbiſhop or Biſhop from henceforth ordained to be collector of any Diſmes or Subſidies, out of the ſame County where he is dwelling or converſant. And this ordinance ſhall ſtand in his force till the Parliament, which ſhall be firſt holden after the Kings return from beyond the Sea into England.

Abbots and Priors being griev'd by collecting Diſmes, far from their Houſes,

— they ſhall not henceforth collect any but within their own County.

4 Henr. VII. Cap. 5.

A.D.1488.

An Act, for the adnulling Letters Patents made to any Spiritual Perſon, for to be diſcharged from Payment or Collection of Diſmes.

All Letters Patents, exempting Abbots, Priors, *&c.* from Diſmes, or Collecting of Diſmes, ſhall be void.

EXP.

ITEM, the King our Soveraign Lord remembring, that as well his highneſs and divers his progenitors and predeceſſors Kings of England, have made and granted upon feigned ſuggeſtions to divers Abbots, Priors, Wardens, Maſters or Rulers of other ſpiritual places, and to their Succeſſors, divers and many Letters-patents, ſome of them to be quit and diſcharged of payment of Diſmes, and ſome of them to be quit and diſcharged as well of the gathering of Diſmes, as of the payment of Diſmes; by the which every Diſme, whenſoever it be granted, is greatly miniſhed, and other places the more grievouſly charged with gathering of the ſame: Remembring alſo the great charges that now be in hand, and that the bearing thereof muſt as well be to the relief of them that have ſuch Letters-patents, as to other of his ſubjects: Hath therefore ordained and enacted by authority of the ſaid Parliament, that all ſuch Letters Patents, as for the premiſſes, be void and of none effect, by whatſoever names, thoſe perſons, to whom the Letters be made, be called or named.

7 Henr. VII. Cap. 6.

A.D.1491

An Act, that Letters Patents of diſcharge from Payment of Diſmes *and* Quinzimes, *ſhall extend no further than they did in time of* Edw. 4.

Religious Houſes having obtained Grants of Exemption from Diſmes, *&c.*

EXP.

THE King our Soveraign Lord remembring, how well his Highneſs as divers his progenitors and predeceſſors Kings of England, have made and granted, as well upon faigned ſuggeſtions as otherwiſe, to divers Abbots, Priors, Guardians, Keepers, Maſters, and Rulers, or Soveraigns of ſpiritual places, and to their ſucceſſors, divers and many grants and Letters-patents, that they and their ſucceſſors, and their tenants and ſervants reſiant upon their lands and tenements, and alſo all lands and tenements, goods and chattels of them and of their ſaid tenants and ſervants whatſoever; reſiant upon their ſaid lands and tenements, ſhall be quit and diſcharged of all quinzemes, and diſmes, other quotis taxes and tallages, by the Common Act of this Realm in any wiſe granted or to be granted, by colour of which grant and Letters-patents, the grantees aforeſaid now in late days have asked and yet ask deductions and allowances at every quinzeme and diſme granted unto our Soveraign Lord the King, of much greater and more exceſſive ſums of mony, than have been allowed or deducted unto them, by reaſon of their ſaid grants in time paſſed: where through every quinzeme and diſme to the King before this time granted and hereafter to be granted, is, and of likelihood ſhall be greatly miniſhed and leſſened, and the poor common people of this Realm ſo much the more grievouſly aſſeſſed and charged to the ſame quinzemes and diſmes: Remembring that the bearing and imploying thereof muſt as well be to the relief of them and their ſaid tenants, farmers, and ſervants that have ſuch grants and Letters-patents, as to other of his ſubjects: Hath therefore by the aſſent and advice of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſaid Parliament, ordained, and eſtabliſhed, that the ſaid Abbots, Priors, Guardians, Keepers, Maſters, Rulers or Soveraigns of ſpiritual places, in none of them, nor none other whatſoever having ſuch Letters or Grants, have from henceforth, by reaſon of the ſaid Letters-patents and Grants, any allowance, deduction, or acquittals of any more or greater ſums of money, at any ſuch quinzeme and diſme granted or hereafter to be granted, except only of ſuch and as much ſums of money as have been deducted and allowed, to or for them or any of them by reaſon and force of the ſaid Grants and Letters-patents, in the time of King Edward the fourth, at ſuch quinzeme and diſme payed, the ſaid Grants and Letters-patents, or any Act, Statute or Ordinance before this time in any wiſe made or ordained notwithſtanding.

—ask greater deductions, than have been heretofore made.

Ordained that, —they ſhall be allowed no greater Deductions, in virtue of ſuch Grants, than were allowed in the time of *Edw.* 4.

Proviſo, for a Grant made to the Town of *Salop*.

II. Provided alway, That this Act or Ordinance extend not, nor in any wiſe be prejudicial or hurtful to any other Grant or Grants, or Letters patents, bearing date the xii. day of December, in the firſt year of Our Reign made unto the Bailifs, Burgeſſes, Men, Commonalty, and Inhabitants of the town of Salop, called otherwiſe the town of Shrewſbury, but that our ſaid Grant and Grants, and Letters-patents, and every thing therein contained, be and ſtand good and effectual, after the Tenor and Purport of the ſame: The ſaid Act and Ordinance, or any thing therein contained notwithſtanding.

1 Ric. III. Cap. 14.

A.D.1483.

Accomptants for Diſmes, *are not chargeable to anſwer other Mens Suits in the Exchequer.*

Collectors of the *Diſmes* of Convocation, making their Accompt in the *Exchequer*, and being troubled there for other matters,

EXP.

ITEM, Whereas the Clergy of the Provinces of Canterbury and York have before this time divers times granted to the Kings Progenitors, in their Convocations, diſmes to be levied of their goods and poſſeſſions, and after that they do appear before the Barons of the Kings Exchequer, and the names of the Collectors for the ſame Grant be certified in the ſaid Exchequer, when the ſaid Collectors do appear before the Barons of the Exchequer, and enter into their account for the ſaid diſme, that then the ſaid Collectors be often charged, vexed and troubled with Bills put by other perſons againſt them for other cauſes and matters than touching the ſaid account; and by occaſion thereof oftentimes they fall to great poverty, and cauſeth the ſaid account to

Diſmes in Convocation.

to be two or three years hanging, and the diſme not contented, to the Kings great damage, and the ſaid Collectors alſo:

II. It is therefore ordained and eſtabliſhed by authority of this preſent Parliament, that from henceforth if any diſme or any part of a diſme be granted by the Province of either of the ſaid Clergies to the King our Soveraign Lord, or to his heirs, that after the ſaid Certificate in the Exchequer for the diſme or part of the diſme, and of the names of the Collectors for the gathering of the ſame diſme, that if the ſaid Collectors come by proceſs before the ſaid Barons of the Exchequer and enter in their account, that they ſhall not be bound to anſwer the ſaid bill or bills there put out againſt them, by reaſon of the ſaid entry in their account, for any manner cauſe, but only for the matter touching the ſaid account.

—they ſhall not anſwer in the *Exchequer*, for any matter not touching their Accompts;

III. Provided always, That if the ſaid accountant be ſued in any other Court by Writ, Bill or Plaint, that then he ſhall take no privilege of the Exchequer by reaſon of the ſaid Account for any ſuit as before is rehearſed.

—but they ſhall not have the privilege of the *Exchequer*, if they are ſued elſewhere by Writ.

CAP. IV.

Subſidies of the Clergy, CONFIRMED *in* PARLIAMENT.

27 Eliz. Cap. 28.

An Act of one Subſidy for the Clergy.

Subſidies of the Clergy, Confirmed in Parliament.

EXP.

WHere the Prelates and Clergy of the province of Canterbury, have, for certain conſiderations, lovingly and liberally given and granted to the Queens moſt excellent Majeſty a Subſidy of ſix ſhillings of the pound, to be taken and levied of all and ſingular their Promotions Spiritual within the ſame province, during the Term of three years now next enſuing, in ſuch certain manner and form, and with ſuch exceptions and proviſions, as be ſpecified and contained in a certain Inſtrument by them thereof made and delivered unto the Queens Highneſs, under the Seal of the moſt Reverend Father in God, John, now Archbiſhop of Canterbury, Primate of all England, which Inſtrument is now exhibited in this preſent Parliament, to be ratified and confirmed; The tenor whereof enſueth in theſe words:

A Grant of a Subſidy made by Convocation, to the Queen.

† The firſt that was confirmed in Parliament, was that in *An. Dom.* 1541. (32 *H.* 8. *c.* 23.) but this is choſen as a *Specimen* of ſuch Confirmations, becauſe, by this time, the Inſtrument was grown to be more full, than at firſt it was.

ILluſtriſſimæ & Sereniſſimæ in Chriſto Principi, & Dominæ noſtræ clementiſſimæ, Dominæ *Elizabethæ*, Dei gratia, *Angliæ*, *Franciæ* & *Hiberniæ* Reginæ, Fidei Defenſori, *&c.* *Johannes* Divinâ Providentiâ *Cantuarienſis* Archiepiſcopus, totius *Angliæ* Primas & Metropolitanus, omnimodam Obedientiam, & Subjectionem, ac Fælicitatem & Salutem in eo per quem Reges regnant, & Principes dominantur. Veſtræ ſereniſſimæ Regiæ Sublimitati per præſens publicum Inſtrumentum, ſive has Literas noſtras teſtimoniales, ſignificamus & notum facimus, quod Prælati & Clerus noſtræ *Cantuarienſis* Provinciæ in ſacrâ Synodo Provinciali ſive Convocatione, vigore & authoritate Brevis Regii veſtri in ea parte nobis directi, in domo capitulari Eccleſiæ veſtræ Cathedralis Divi *Pauli London*, viceſimo quarto die menſis *Novembris*, Anno Domini milleſimo quingenteſimo octogeſimo quarto, jam currente, inchoatâ & celebratâ, ac de die in diem, & loco in locum, uſque ad & in decimum diem præſentis menſis *Decembris* continuatâ & prorogatâ, in domo capitulari Eccleſiæ Cathedralis prædictæ, eodem decimo ſexto die præſentis menſis *Decembris* legitimè congregati pro quibuſdam magnis, arduis & urgentibus cauſis per nos eis propoſitis, ac inter eos matura deliberatione ponderatis, pro defenſione regnorum & Dominiorum veſtrorum, necnon & pro eorum erga veſtram regiam Sublimitatem officio, quoddam ultraneum ac ſpontaneum & voluntarium Subſidium veſtræ Regiæ munificentiæ unanimi eorum conſenſu dederunt & conceſſerunt, prout tenore præſentis publici inſtrumenti (ſeriem conceſſionis hujuſmodi in ſe continentis) plenius liquet & apparet: humiliter & obnixè veſtræ Regiæ Majeſtati ſupplicantes, quatenus hoc eorum ſubſidium pro veſtra ſolita clementia benignè accipiatis, ac benè conſulere gratioſè dignemini. Tenor verò dictæ conceſſionis de verbo in verbum ſequitur, & eſt talis.

Form of the Certificate made by the Archbiſhop to the Queen, of the Subſidy granted;

—which they deſire her Majeſty to accept.

II. The Prelates and Clergy of the province of Canterbury, being lawfully congregated and aſſembled together, in a Convocation or Synod, conſidering their bounden duties to your Majeſty, their moſt natural and gracious Soveraign Lady, and having in remembrance the manifold and ample benefits which they daily receive not only by your moſt gracious and godly government, whereby they be conſerved in peace and quietneſs, and ſo more able to ſerve God, and be intent to their office and vocation; but alſo, and that moſt chiefly, by the ſetting forth and advancing of Gods moſt holy word, and his ſincere and true religion in this your Realm, and aboliſhing of all foreign power contrary to the ſame; conſidering alſo as well the great charges, wherewith it cannot be but that your Majeſty from time to time is like to be burdened in defending and preſerving this your Realm, with other your highneſs dominions, and alſo the great charges wherewith your Majeſty hath been and is like to be charged by reaſon of popiſh mutinies and attempts, to the overthrow of true Religion and your Highneſs eſtate; as much as ſuch practices either could or can prevail:

Form of the Grant of Convocation.

—and the motives to it.

III. In conſideration of the premiſſes, and for a true declaration of their bounden duties, good hearts and minds, to your Majeſty, with one uniform agreement, accord, and conſent together, with moſt hearty good will have given and granted, and by theſe preſents do give and grant to your Highneſs, your Heirs and Succeſſors, one Subſidy in manner and form following:

IV. That is to ſay, that every Archbiſhop, Biſhop, Dean, Archdeacon, Provoſt, Maſter of College, Prebendary, Parſon, Vicar, and every other perſon and perſons, of whatſoever name or

Every Spiritual Promotion ſhall

pay ſix ſhillings in the Pound,

—according to the rate of the Book in the Exchequer.

or degree he or they be within the Province of Canterbury, enjoying any ſpiritual promotion, or other temporal poſſeſſion to the ſame ſpiritual promotion annexed, now not divided or ſeparate by Act of Parliament, or otherwiſe, from the poſſeſſion of the Clergy, ſhall pay to your highneſs your heirs and ſucceſſors, for every pound that he may yearly diſpend, by reaſon of the ſaid ſpiritual promotion, the ſum of vj. s. And for the true and certain value of all the promotions, and every of them, whereof the payment of this Subſidy ſhall be made, the rate, taxation, valuation, and eſtimation, now remaining of record in your Majeſties Court of Exchequer, for the payment of the perpetual Diſme or Tenth, granted to your Majeſties moſt noble Father, in the ſix and twentieth year of his Reign, concerning ſuch promotions as now be in poſſeſſion of the Clergy, ſhall only be followed and obſerved, without making any valuation, rate, taxation, or eſtimation, or other than in the ſaid record is now compriſed.

Only nine parts ſhall be taxed.

V. Provided always, that foraſmuch as the tenth part of the rate and valuation before mentioned, is yearly paid to your highneſs, for the ſaid perpetual diſme, ſo as there remaineth only nine parts yearly to the Incumbent clear: This Subſidy of ſix ſhillings the pound, ſhall be underſtood and meant of every pound only of the ſaid nine parts, and of no more.

No perſon ſhall contribute to the Subſidy, in the year of Firſt-fruits;

—and they who have compounded, ſhall only be charged with the moiety of the firſt payment of the Subſidy.

VI. Provided always, that no perſon that is already promoted to any Benefice or ſpiritual promotion, and hath compounded with your Majeſty for the firſt-fruits of the ſame, ſince the ſecond day of October laſt paſt, in the year of our Lord one thouſand five hundred fourſcore and four, or that is, or hereafter ſhall be promoted to any benefice or ſpiritual promotion, and ſhall compound with your Majeſty, your heirs or ſucceſſors, for the firſt-fruits of the ſame, on this ſide the ſecond day of October, which ſhall be in the year of our Lord, one thouſand five hundred fourſcore and ſeven, ſhall be contributory or charged for the ſame benefice or promotion to your highneſs, your heirs or ſucceſſors, with any part of this Subſidy, during the firſt year after the time of any ſuch compounding for his firſt-fruits: And that every ſuch perſon already promoted to any benefice or ſpiritual promotion, as hath compounded with your Maieſty for the firſt-fruits of the ſame, between the ſecond day of October, in the year of our Lord God, one thouſand five hundred fourſcore and three, and the ſaid ſecond day of October, in the year of our Lord God, one thouſand five hundred fourſcore and four, ſhall be contributory or charged for the ſame promotion to your highneſs, your Heirs or Succeſſors, but only with the moiety of the firſt payment of the ſaid Subſidy, in reſpect that the moiety of his firſt-fruits for the ſaid promotion remained unpaid to your Majeſty the ſaid ſecond of October, one thouſand five hundred fourſcore and four.

This Subſidy ſhall be pay'd in 3 years, by 2*s.* in the pound, each year,

—to ſuch Perſons, and at ſuch Places, as the Queen ſhall appoint;

—and only four pence for an Acquitance, to the Clerk.

VII. And your Prelates and Clergy alſo do grant, that this Subſidy of ſix ſhillings of the pound, of the nine parts of the yearly value of every promotion ſpiritual aforeſaid, within the ſaid Province taxed, as is aforeſaid, ſhall be payd to your Majeſty, your heirs and ſucceſſors, within three years next enſuing the date hereof, in manner and form following: That is to ſay, two ſhillings of every pound aforeſaid, in every of the ſaid three years: The firſt payment thereof to be due at the ſecond day of October, now next enſuing, in the year of our Lord one thouſand five hundred fourſcore and five: And the ſecond payment thereof to be due at the ſecond day of October, which ſhall be in the year of our Lord 1586. And the third payment thereof to be due at the ſecond day of October, in the year of our Lord, one thouſand five hundred fourſcore and ſeven: to be delivered and paid yearly, by ſuch perſon and perſons, as in this preſent grant ſhall be appointed to have the collection thereof, to the Lord high Treaſurer, or under Treaſurer of England for the time being, or to ſuch perſon or perſons, and in ſuch place or places, as ſhall pleaſe your highneſs to appoint to be paid, at or before the two and twentieth day of January, in every of the ſaid three years, without paying any thing to the Receiver, or to any other officer or perſons, to be aſſigned for the receipt thereof, for any acquittance, or other diſcharge upon any ſuch payment or receipt of the ſaid Subſidy, or any part thereof, to be given and delivered, but only four pence, and that to the Clerk for the writing of every of the ſame acquittances or diſcharge for every of the ſame payments.

Prieſts, *&c.* having Penſions, ſhall contribute to the Subſidy,

—and Deduction ſhall be made by the Payer.

VIII. Item, your highneſs ſaid Prelates and Clergy alſo do grant, that every Prieſt, and all other Eccleſiaſtical perſons having any penſion payable by your Majeſty, your Heirs and Succeſſors, by reaſon of the diſſolution of the late Monaſteries, Colleges, free Chapels, Chantries, Fraternities, Guilds, and Hoſpitals, or of any other Spiritual dignity or corporation now diſſolved, within the ſaid Province of Canterbury, ſhall likewiſe pay to your Highneſs, your Heirs and Succeſſors ſix ſhillings of every pound of the ſaid penſion, within the ſaid three years, at ſuch days and times as are before ſpecified. And that for the ſure payment thereof, deduction and detention of the ſaid ſix ſhillings, ſhall be made yearly in the hands of the payers of the ſaid penſions, after the rate and portion of two ſhillings the pound, every of the ſaid three years, to be accompted for, and anſwered to your Majeſties uſe, by your Highneſs Receivers and Officers deputed for the payment of ſuch penſions, in their ſeveral accompts, within the which, allowance ſhall be given them for the payment of any ſuch penſions, liable to the ſeveral payments of the ſaid Subſidy.

Stipendiaries of 8*l.* or above, ſhall pay 6*s.* 8*d.* a year;

—and, they being unable, it ſhall be anſwered by the Incumbent, Proprietary, or Farmer.

IX. Item, your ſaid Prelates and Clergy do grant, that every Prieſt or ſtipendiary, receiving an annual ſtipend being no perpetuity of eight pounds or above, within the ſaid Province, ſhall pay unto the uſe of your Highneſs, your Heirs and Succeſſors, ſix ſhillings and eight pence in every of the ſaid three years, at ſuch time and to ſuch perſons, as the ſaid Subſidy ſhall be paid: And for default of the payment of the ſaid ſtipendiaries, that every Parſon, Vicar, or other Spiritual or Temporal perſon, Proprietary or Farmer, hiring any Prieſt or Miniſter to ſerve in any place, ſhall be anſwerable and charged for and with the payment of the ſaid ſix ſhillings eight pence for the ſaid Prieſt or Miniſter every of the ſaid three years, and ſhall and may make retention of his and their wages quarterly, of ſo much as the ſaid ſtipendiaries be charged with by this preſent grant, every of the ſaid three years.

Archbiſhops and Biſhops ſhall be Collectors of all, but the Penſions of Stipendiaries,

X. Item, Your ſaid Prelates and Clergy do grant, that every Archbiſhop and Biſhop, and (the See being void) every Dean and Chapter of that See void, ſhall be Collectors of this Subſidy within their proper Dioceſs, during the ſaid three years, other than of the penſions aforeſaid: and the ſaid Archbiſhop, Biſhop, or, the See being void, the Dean and Chapter, ſhall certifie into your Majeſties Court of Exchequer under their Seals, the names and ſurnames of

all

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all ſuch ſtipendiary Prieſts and Miniſters within their Dioceſs, as be chargeable by this Act, at or before the ſaid two and twentieth day of January, yearly during the ſaid three years.

—whom they ſhall certifie into the *Exchequer*;

XI. And thoſe ſtipendiary Prieſts and Miniſters only ſhall be reputed and taken to be chargeable by this Act, which ſhall be in ſuch ſort certified, unleſs within three years next after ſuch Certificate exhibited, it ſhall be juſtly proved that ſome are omitted that ought therein to have been certified, And in this caſe, ſuch and ſo many other ſtipendiary Prieſts and Miniſters ſhall be likewiſe accounted chargeable by this Act, as within the ſaid three years ſhall be ſo found to have been omitted.

—which Certificate ſhall be authentick, unleſs *defects* are duly proved.

XII. And your ſaid Prelates and Clergy do moſt humbly beſeech your Majeſty, that it may be enacted by your Majeſty, and your high Court of Parliament (for the ſpeedy payment of the ſaid Subſidy, and to avoid delays thereof) that when and as often as any Collector or Collectors, chargeable with the collection of this Subſidy, or of any part thereof, or the Deputy or Deputies of any of them, ſhall offer the payment thereof, or of any part thereof, to the uſe of your Majeſty, your Heirs or Succeſſors, to any perſon or perſons appointed to receive the ſame by your Highneſs, or by the ſaid Lord high Treaſurer; That the ſaid perſon or perſons ſo appointed, ſhall within four days next after ſuch appointment, receive, or cauſe to be received the money ſo offered to be payed, without any further delay, and deliver one ſufficient bill, teſtifying the receipt thereof, to the ſaid Collector or his Deputy, upon every ſuch particular payment: And that every ſuch Auditor, as is or ſhall be appointed to take or receive the account of any ſuch Collector or Collectors, ſhall within ſix days next after requeſt to him to be made, truly and indifferently take the ſaid account, and make allowance, as by this grant is appointed; upon pain that every ſuch perſon and perſons appointed to receive the ſame ſum or ſums of money ſo offered, and every ſuch Auditor, ſhall loſe and forfeit for every default or delay to be made, to the Collector or Collectors ſo offering to make payment or account, as is aforeſaid, the ſum of ten pounds of lawful money of England; the one moiety thereof to be to your Heirs and Succeſſors, and the other moiety to the ſaid Collector or Collectors ſo grieved; the ſame to be paid upon complaint made to the ſaid Lord high Treaſurer, under Treaſurer, or to the Lord chief Baron of your Majeſties Court of Exchequer, who upon ſuch complaint ſhall preſently examine the matter, and finding default, ſhall commit the Offender to Ward, there to remain until he ſhall have paid the ſaid ſeveral ſums ſo forfeited.

Collector, offering Payment, ſhall not be delay'd above four days;

—and the Auditor ſhall receive the Account within ſix days;

—upon pain that every Receiver & Auditor ſhall forfeit 10 *l.*

XIII. And for the better levying and recovering of the ſaid Subſidy, the ſaid Prelates and Clergy do likewiſe moſt humbly beſeech your Highneſs, that it may be enacted by your Majeſty, and your ſaid high Court of Parliament, in manner and form (that is to ſay) That every Collector of the ſaid Subſidy, and of every part and parcel thereof, and their lawful Deputy or Deputies, may have full power and authority to uſe all ſuch ways and means, and proceſs, as be preſcribed in the Act of perpetual Diſme, for the collection and levying the ſame, and may make accompt thereof, before the Lord high Treaſurer, or under Treaſurer of England, for the time being, or any other Officer by your Highneſs, or your Court of Exchequer to be appointed for the ſame, and in ſuch place as your Majeſty likewiſe ſhall aſſign, in ſuch wiſe, and after ſuch form only, as the ſaid Archbiſhop and Biſhops be now charged to make accompt for the ſaid perpetual Diſme or Tenth; whereby is meant, that the lack and default of payment of and for any ſpiritual promotions, ſhall only charge ſuch Incumbent or Incumbents, and ſuch others to be bound to pay the ſame. And that the Archbiſhop, Biſhop, Dean and Chapter, gathering that which they can receive, and making payment thereof, ſhall for the reſt, not by them received, be diſcharged by their Certificate to be made at or before the two and twentieth day of January, in every of the ſaid three years, unto your Highneſs Court of Exchequer: And the ſix pence of every pound, wherewith the Collector ſhall be diſcharged in his accompt, clearly to be paid into the receipt of your Majeſties Exchequer, or into ſuch other place as it ſhall pleaſe your Highneſs to appoint, ſhall be allowed to the ſaid Collector upon his accompt for the ſame, in every of the ſaid three years, for the charges of Collection, Portage, ſafe conveying and paying of the ſame Subſidy. And moreover, that it may be enacted likewiſe, that after any payment of the ſaid Subſidy ſhall be once due, by virtue of this grant, in any of the ſaid three years, if any Incumbent of any benefice or promotion ſpiritual, charged to the payment of the ſaid Subſidy, being at any time, after that the ſame payment ſhall be due, lawfully moniſhed, either perſonally, or at his Dignity, Stall, Church, or Manſion houſe, by the Archbiſhop or Biſhop of the Dioceſs, or his Deputy or Deputies, or the Dean and Chapter, the See being void, or by any their Deputy or Deputies authorized in that behalf, to appear by himſelf or his deputy, at a certain day and place of convenient diſtance to the ſaid Incumbent then to be ſignified and prefixed, and then and there to pay ſuch part of the ſaid Subſidy of his benefice or promotion ſpiritual, as then by vertue of this Grant ſhall be due; do not, either at the ſame day and place ſo to him ſignified and perfixed, truly content and pay, or cauſe be contented and paid the ſame part of the ſaid Subſidy, which then by him ſhall be due to be paid, unto the ſame Archbiſhop or Biſhop, or to his deputy or deputies, or to the Dean and Chapter of any See being void, or to their deputy or deputies, or to one of them ſhewing ſufficient deputation from the ſaid Archbiſhop, Biſhop, or Dean and Chapter, under his or their Seal in that behalf, being ready at the ſame day and place, ſo ſignified and prefixed, to receive any payment of the ſaid Subſidy then due, and openly demanding the ſame, or elſe pay the ſame within forty days next after any ſuch prefixed day at the furtheſt (ſo that open demand be made of the ſaid Subſidy in and at the ſaid place and day before prefixed:) that then every Incumbent ſo making default of payment of his part of the ſaid Subſidy, in any of the ſaid three years, after ſuch default thereof certified into your Majeſties Exchequer in writing, under the ſeal and hand-writing of any Archbiſhop or Biſhop, or the common ſeal of the Dean and Chapter, the See being void, charged with the collection of the ſame Subſidy, ſo that the ſame Certificate ſhall be made according to the form hereafter expreſſed, and exhibited into your Majeſties ſaid Court of Exchequer at or before the twenty ſecond day of January, in every of the ſaid three years: ſhall forfeit and loſe unto your Majeſty, your Heirs and Succeſſors, all the profits which of that only dignity, benefice or promotion, for the which he maketh ſuch default of payment, and whereof ſuch certificate ſhall be made, ſhall come, grow or ariſe unto him (over and above the charges of ſerving of the Cure)

The Collectors ſhall levy by all ſuch means, as be preſcribed for Tenths;

—and gathering what they can receive, ſhall, upon Certificate, be diſcharged from the reſt; 6 *d. per Pound* being allowed.

If any perſon do not pay the Subſidy, upon lawful demand, on a certain day prefix'd,

—or within forty days after,

—he ſhall forfeit one year's Profit to the King, upon Certificate made.

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in one whole year next after ſuch certificate made and delivered into your Highneſs Court of Exchequer, and there admitted, in caſe the ſame Incumbent ſhall ſo long live; and that every ſuch certificate of any ſuch default of payment, ſhall be made according to the tenor and effect inſuing, mutatis mutandis.

Form of the Certificate,

— that demand hath been made of all,

— but the Subſidy not paid by ſome.

HOnorabilibus & egregiis viris, Domino Theſaurario, & Baronibus de Scaccario illuſtriſſimæ Dominæ noſtræ, Dominæ *Elizabethæ*, Dei gratiâ *Angliæ*, *Franciæ* & *Hiberniæ* Reginæ, Fidei Defenſoris, *&c.* Veſter humilis *J.* permiſſione Divinâ *L.* Epiſcopus, auctoritate & vigore cujuſdam actûs Parliamenti, anno regni dictæ Dominæ Reginæ xxvii. editi & proviſi, ad colligendum & levandum Subſidium eidem Dominæ Reginæ, in eodem Parliamento per Prælatos & Clerum Cantuarienſis Provinciæ conceſſum, videlicet, pro prima ſolutione inde ſolvenda ſecundo die *Octobris* ultimò præterito, infra Diœceſin noſtram deputatus, & authorizatus, omnimodam reverentiam tantis viris debitam cum honore. Veſtris reverentiis harum ſerie annuntio, & certifico, me præfatum Epiſcopum, modo quo præfertur, deputatum & authorizatum, ſufficienter, & cum omni diligentia requisîſſe per *N. O.* Deputatum meum in hac parte, de quocunque Beneficio & Promotione Eccleſiaſtica, in quadam ſchedula præſentibus annexa ſpecificatis, ſummas dicti Subſidii pro dictis Beneficiis & Promotionibus debitas, pro prima ſolutione dicti Subſidii debiti ſolvenda dicto ſecundo die *Octobris* ultimò præterito, prout in eadem ſchedula præſentibus annexa plenius liquet & apparet: Sed dictas ſummas ex cauſis in eadem ſchedula allegatis recipere non potui. In cujus rei teſtimonium, ſigillum meum præſentibus apponi feci. Datum
die   Anno Domini milleſimo quingenteſimo octogeſimo quinto.

The form of which Schedule above mentioned, enſueth, videlicet.

Form of the Schedule, annext to the Cerrtificate,

— as to the non-payment of a particular Perſon.

CIvitas *L.* vel Decanatus de *H. A. B.* Rector vel Vicarius   ibidem monitus fuit   prædict'   die   ultimò præterito per *N. O.* Deputatum meum, ad ſolvendum apud Eccleſiam de *L.* in comitatu *L.* die   tunc proximè ſequente, illam partem Subſidii per ipſum debitam, ſecundo die *Octobris* ultimò præterito, pro Promotione ſua prædicta. Sed prædictus *A. B.* nec apud Eccleſiam de *L.* prædictam, eodem   die   nec alibi per quadraginta dies poſtea, ſummam per ipſum debitam (ut præfertur) ſolvit vel ſatisfecit: neque dictam ſummam de proficuis dictæ Promotionis, nec de bonis & catallis dicti *A. B.* aliquo modo levare ſive recipere potui.

Proviſo, that if payment be tendered, before the Certificate is exhibited in the Exchequer, he ſhall not forfeit Profits.

XIV. Provided always, that if any perſon or Incumbent chargeable by this Act or Grant to any payment of this Subſidy, ſhall proffer or tender payment of any ſum due to the Archbiſhop, or Biſhop, or to the Dean and Chapter where the See is void, or to any deputy or deputies of any Archbiſhop, Biſhop, or Dean and Chapter aforeſaid, at any time before the certificate exhibited into the Exchequer, as is aforeſaid: that then notwithſtanding the certificate made as is aforeſaid, againſt any ſuch perſon, the ſaid Incumbent or perſon, againſt whom the certificate was ſo made, ſhall and may averre the offer or tender of his payment, as is aforeſaid. And if the ſame ſhall be tryed, either by ſufficient witneſſes before the Lord Treaſurer, or Barons of the Exchequer, or by the trial of twelve men, upon any Iſſue thereupon to be joyned betwixt the ſame Incumbent, or any other perſon or perſons, that he or any for him did offer or tender the payment of the ſum due, as is aforeſaid: That then every ſuch Incumbent ſhall have and enjoy his promotion or promotions ſtill, without forfeiting or loſing to your Majeſty, your Heirs or ſucceſſors, any of the profits thereof, and as though no certificate or default of ſuch payment had been made or exhibited: Any thing in this Grant or Act to the contrary notwithſtanding.

Collectors ſhall have an Acquittance or *Quietus*, for as much as is received;

— which acquittance, ſigned by the proper Officer, ſhall be as good, as if made by Parliament;

XV. And further that it may be enacted likewiſe, that every Archbiſhop and Biſhop, and Dean and Chapter of every See vacant, and other perſons chargeable to and with the collection of the ſaid Subſidy of ſix ſhillings the pound, within the ſaid Province of Canterbury, ſhall and may have, upon every payment of the ſame Subſidy made to the Lord high Treaſurer, or under Treaſurer of England for the time being, or to ſuch other perſon or perſons, in place and places, to whom and where it ſhall pleaſe your Highneſs or your Court of Exchequer to appoint for the receipt thereof in every of the ſaid three years, a ſufficient acquittance, diſcharge, or Quietus eſt in writing, of the ſaid Lord high Treaſurer or under Treaſurer, or of ſuch other perſon or perſons, as either your Highneſs or your ſaid Court of Exchequer ſhall aſſign for the receipt thereof, or as heretofore in the like caſes it hath been accuſtomed: the ſame acquittance, diſcharge, or Quietus eſt, witneſſing the receipt of ſo much of the ſame ſum of the ſaid Subſidy as ſhall be ſo received. And every ſuch acquittance, diſcharge, or Quietus eſt in writing, ſealed and ſubſcribed with the name or names of the ſaid Lord high Treaſurer, or under Treaſurer for the time being, or of ſuch Auditor or other perſon or perſons, as it ſhall pleaſe your Highneſs or your ſaid Court of Exchequer to appoint for the ſame receipts, or of ſuch others as heretofore in like caſes it hath been uſed, ſhall and may be good and effectual in the Law, and be alſo a ſufficient diſcharge to all and every of the ſaid collectors, to all ſuch intents, conſtructions and purpoſes, as if the ſame were made by Act of Parliament.

— and ſo ſhall the acquittance of the Collector be, to the Incumbent.

XVI. And that every of the ſaid Collectors ſhall pay but only three ſhillings and four pence for every general and final acquittance, diſcharge, or Quietus eſt, for every years payment of the ſaid Subſidy. And alſo that every particular acquittance, which upon payment of any part of the ſaid Subſidy ſhall be made by any Collector or Collectors of the ſame Subſidy, or of any payment thereof, or by his or their deputy or deputies in that behalf, to any Incumbent of any Benefice or Promotion ſpiritual or to any other perſon or perſons contributory and chargeable to and with the ſame Subſidy, or any part or payment thereof, ſhall be good and effectual in the Law, and a full and ſufficient diſcharge to every ſuch Incumbent, and other Parſon, and his Benefice and Promotion Spiritual, of, and for all ſuch ſum and ſums of money, as by the ſame acquittances ſhall be acknowledged to be received in reſpect of the ſame Benefice or Promotion Spiritual, for any payment or part of the ſame Subſidy: And that none acquittance of any

other

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other perſon or perſons, made before ſuch certificate, ſhall in any wiſe diſcharge any perſon or promotion, for any part of this Subſidy, nor any pain, penalty, or forfeiture, ſpecified in this grant.

Biſhops ſhall certifie the Names of Collectors.

XVII. And to the intent it may be known to the Court of Exchequer, who be the deputy or deputies, of every ſuch Archbiſhop, Biſhop, or Dean and Chapter, authorized to receive the ſame, and to make acquittance thereof: Every Archbiſhop, Biſhop, and Dean and Chapter, of any See being void, ſhall yearly, with the Certificate of the names of the ſtipendiary Prieſts, certifie the names of every the deputies to be appointed, as is aforeſaid.

No Spiritual Promotions, charged by this Act, ſhall be contributary to the Lay-Subſidy.

XVIII. Provided always, that no Spiritual Promotions, or any Lands, Poſſeſſions, or Revenues annexed to the ſame, being charged by this grant of the Province of Canterbury, or any goods or chattels, growing, being and renewing upon the ſame, or elſewhere, appertaining to the owners of the ſaid Spiritual Promotions, or to any of them, ſhall bee charged or made contributory to any Fifteenth or Tenth, or any other Subſidy already granted to your Highneſs by the Laity, or hereafter to be granted, during the term of the ſaid three years.

Members of Cathedrals ſhall be rated for their own Promotions only,

—and not for the Salaries of the Officers,

—nor for reparation-money.

Portions chargeable and not chargeable, ſhall be certified by the Biſhop into the Exchequer.

XIX. Provided alſo, that all Deans, Archdeacons, Dignities, Maſters, Wardens, and Prebendaries, of all Cathedral and Collegiate Churches, and Colleges, or any of them, within the ſaid Province, ſhall be charged with this Subſidy for thoſe Poſſeſſions, Revenues, and Portions only, which to their ſeveral promotions, dignities and rooms, are clearly and diſtinctly limited, and to their own only uſes ſevered, thereof to pay the tenth part, being deducted ſix ſhillings of every pound, within the ſaid three years, in manner and form as is above rehearſed. And that all thoſe Rents, Poſſeſſions, Profits, Portions, Hereditaments, and Spiritual Promotions, and every of them, heretofore by your Highneſs, or any your Majeſties noble Progenitors, or any other perſon or perſons whatſoever, given, granted, bequeathed, demiſed or impropried unto the ſaid Cathedral or Collegiate Churches, or Colleges, or to any of them, which any ways be aſſigned, imployed or uſed either for or towards the yearly maintenance of Readers of Divinity, Poor-men Schoolmaſters, Uſhers, Grammarians, Peticanons, Conducts, Vicars-Choral, Singing-men, Choriſters, Vergers, Sextons, or of any other neceſſary and daily Officers or Miniſters in ſuch Cathedral or Collegiat Churches or Colleges, or any of them, or for or towards the re-edifying or repairing of any of the ſame Cathedral or Collegiate Churches or Colleges, ſhall not be charged with any part of this Subſidy. The certainty of which portions aſwel chargeable to this Subſidy, as not chargeable in this behalf, the Archbiſhop or Biſhop of the Dioceſs, or, the See being void, the Dean and Chapter, or any other to whom the ſame ſhall or may appertain, upon due ſearch and examination, ſhall certifie under his or their ſeal, into your Highneſs ſaid Court of Exchequer, at or before the ſaid twenty ſecond day of January, in every of the ſaid three years.

Perſons paying Penſions may detain two ſhillings a year.

XX. Provided always, that every Parſon, Vicar, or other Spiritual perſon, paying any penſion, whereof no allowance is made in the valuation of his promotion or benefice, ſhall and may retain two ſhillings of every pound, of every ſuch penſion every year during the ſaid three years, to his own relief, in conſideration that he is charged to pay this Subſidy of vj. s. the pound, out of every pound, of the whole value of his promotion; any covenant, grant or bond to the contrary notwithſtanding.

Chantry-Lands, given to King *Edw.* 6, ſhall not be charged, as belonging to Cathedrals,

—but Deduction ſhall be made for them, in the Exchequer.

XXI. Provided alſo, and your ſaid Prelates and Clergy do moſt humbly beſeech your Highneſs, that it may be enacted by your Majeſties Authority and your high Court of Parliament, that where certain lands, tenements, rents, Spiritual promotions, tythes, penſions, portions, fruits and other hereditaments, lately belonging to divers Cathedral Churches, and to other places and perſons Eccleſiaſtical within the ſaid Province of Canterbury, which were given and aſſigned to be beſtowed and ſpent, in and on finding and maintaining of certain chanteries, anniverſaries, obites, lights, lamps, and other like charges, intents and purpoſes, of late came into the hands and poſſeſſion of the late King of famous memory, Edward the ſixt, by the force of a Statute thereof made in the firſt year of his Reign, as by the ſaid Statute more plainly appeareth: That the ſaid Cathedral Churches, and the Biſhops, Deans or Preſidents and Chapters, and Prebendaries of the ſame, and all other places and perſons Eccleſiaſtical, or any of them, to whom the ſaid lands, rents and other the premiſſes or any of them did lately appertain, ſhall not during the ſaid three years, be charged to and with any payment of the Subſidy, of and for that part and portion of lands, tenements, rents, ſpiritual promotions, and other hereditaments, or any of them, whereunto the ſaid late King, by force of the ſaid Statute, was intituled or poſſeſſed of, nor of any yearly rents or payments, going out of the ſaid Cathedral Churches, and any other places and perſons Eccleſiaſtical aforeſaid. And that deduction and allowance thereof be made to them, and every of them accordingly, in and upon every payment of the ſaid Subſidy, out of the whole value, taxation and eſtimation, made for the payment of the ſaid perpetual Diſme or Tenth, remaining of record in your Highneſs Court of Exchequer, for that rate and portion of lands, tenements, rents, ſpiritual promotions, and other hereditaments, and thoſe yearly payments, whereunto the ſaid late King was intituled or poſſeſſed of, or which ſince the making of the ſaid Statute, by reaſon that they have been found as lands, tenements, rents, tythes, and other hereditaments concealed from the late King Edward the ſixth, the late King Henry the eighth, from the late Queen Mary or any of them, or from your Majeſty, or otherwiſe are ſevered from the poſſeſſions of the ſaid Cathedral Churches and other places and perſons aforeſaid, or of any of them, by force of the Statute premiſed, or any otherwiſe.

Exempted from payment,
—the Univerſities,
—*Windſor, Weſtminſter, Eaton, Wincheſter.*
Hoſpitals, Almshouſes, Grammar-Schools,

XXII. Provided alſo, that this Subſidy granted by the Clergy, ſhall not be demanded or levied out of any Benefice, houſe of Students, or College, ſcituate or ſet within either of the Univerſities of Cambridge or Oxford, or any benefice, lands, or other revenues unto the ſaid Univerſities, or either of them, or to any houſe of Students, or College in any of the ſame Univerſities, united, appropriated, or appertaining, or out of any benefice, lands, or revenues, of the College of Windſor, or of the College of Weſtminſter, being of your Majeſties foundation, or of the College of Eaton near Windſor, or of the College called St. Maries College by Wincheſter, founded by William Wickham, ſometime Biſhop of Wincheſter, or of any Hoſpitals, Almshouſes, or Grammar Schools, or of any Church, Benefice, or other revenues to the ſaid Colleges,

Subſidies of the Clergy, confirmed in Parliament.

leges, Hoſpitals, Alms-houſes, Alms-halls, or Grammar-Schools, or to any of them annexed, appropriated, or otherwiſe appertaining.

—Benefices not above 6*l*, 13*s*, 4*d*,

XXIII. Provided always, that all Parſons, Vicars, and other Eccleſiaſtical perſons, whoſe benefices are not above ſix pound, thirteen ſhillings, and four pence by year, after the taxation aforeſaid, ſhall not be charged with this Subſidy, or any part thereof.

Vicarage being 8*l* and not 10*l*. ſhall pay only 6*s* 8*d*. a year—under 8*l*. nothing.

XXIV. Provided alſo, that every Vicar, whoſe benefice is eight pounds, or above, and not above ten pounds by year, after the taxation aforeſaid, ſhall pay every year of the ſaid three years, only ſix ſhillings eight pence for his part of the ſaid Subſidy, as ſtipendiary Prieſts be charged to pay by force of this grant, and not otherwiſe: and if it be under eight pound, he ſhall not be charged with any part of the ſaid Subſidy.

Penſions of Religious, of 4*l*. or under, ſhall not be charged alſo.

XXV. Provided alſo, that every Prieſt, and all other Eccleſiaſtical or late religious perſons, having any penſion by reaſon of the diſſolution of the late Monaſteries, Colleges, Free-Chapels, Chantries, Fraternities, Guilds, and Hoſpitals, or any other incorporation within the Province of Canterbury, or any of them, and being of the ſum of four pounds or under, and not above, ſhall not be charged or chargeable for any ſuch penſion: Any thing contained in this grant to the contrary notwithſtanding.

Deſire of the Clergy, that their Grant be confirmed in Parliament.

XXVI. And for the ſure and true payment of this Subſidy, granted by your ſaid Prelates and Clergy of the Province of Canterbury, according to the tenor, purport, effect, and true meaning of this preſent grant; Your ſaid Prelates and Clergy moſt humbly deſire your Highneſs, that this their ſaid Gift, Grant, and Subſidy, and every matter, ſum of money, petition, clauſe, proviſions, and ſentences in this inſtrument contained, concerning the ſaid Subſidy, may be ratified, eſtabliſhed, and confirmed, by the authority of your Highneſs Court of Parliament.

Grant, Sealed with the Archbiſhop's Seal, and Signed by the Regiſter of Convocation.

In quorum omnium & ſingulorum præmiſſorum fidem & teſtimonium, nos *Johannes* Archiepiſcopus antedictus, has præſentes Literas noſtras teſtimoniales, ſive hoc præſens publicum inſtrumentum, ad humilem rogatum Prælatorum & Cleri prædicti, Sigillo noſtro, oppoſitione ac ſigno, nomine & ſuperſcriptione *Johannis Incent* Notarii publici Regiſtrarii noſtri principalis, fecimus & juſſimus communiri. Datum dicto decimo ſexto die menſis *Decembris*, Anno Domini milleſimo quingenteſimo octogeſimo quarto, Regnique veſtri fœliciſſimi Anno viceſimo ſeptimo, & noſtræ Tranſlationis anno ſecundo.

The Confirmation of Parliament.

XXVII. Wherefore for the true and ſure [d] payment of the ſaid Subſidy, granted by the ſaid prelates and clergy of the Province of Canterbury, according to the tenor, effect and true meaning of the ſaid inſtrument,

Confirmation of the foregoing Grant.

XXVIII. Be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that the ſaid gift, grant, and every matter, ſum of money, petition, proviſion, clauſe and ſentence in the ſame Inſtrument contained, ſhall ſtand and be ratified, eſtabliſhed and confirmed, by authority of this preſent Parliament.

Collectors ſhall levy by Cenſures, and Sequeſtration,

—or by diſtreſs,

—and no Prohibition, *&c.* ſhall be allowed.

XXIX. And further be it enacted by the authority aforeſaid, that every perſon that ſhall be appointed to the collection and gathering of the ſaid Subſidy, ſhall have full power and authority to levy, take and perceive the ſaid Subſidy by the authority of the cenſures of the Church, that is to ſay, by Suſpenſion, Excommunication or Interdiction, and alſo by Sequeſtration of the fruits and profits of their Benefices and Promotions Spiritual, in whoſe hands ſoever they be, and to make ſale of the ſame fruits, without danger of the Laws, or by diſtreſs upon the poſſeſſions of the Farmers or occupiers of the Lands and Tenements chargeable by the ſaid Inſtrument, for or to the payment of any ſum or ſums of money to be due by force thereof or otherwiſe, by the diſcretion of the Collector thereof: And that no replevin, prohibition or other Superſedeas ſhall be allowed or obeyed for any perſon or perſons making default of the payment of the ſaid Subſidy, contrary to the tenor of the grant thereof, until ſuch time as they have truly ſatisfied and contented all ſuch parts and portions as to them in that behalf appertaineth. And that every ſuch Farmer and Farmers, their executors and aſſigns, that ſhall fortune hereafter to be charged to and with the Payment of the ſaid Subſidy, or any Part thereof, ſhall by the authority aforeſaid be allowed, and retain his hands as much of his yearly Rent and Farm, as the ſum which he ſhall fortune to pay for his Lord or Leſſor ſhall extend unto, except the ſaid Farmer or Farmers, their executors or aſſigns, by the Leaſe and Grant that they have of any part of the Lands, Tythes, Proats, tenements, chargeable to the ſaid Subſidy, or by force of any covenant or article therein contained, be bound and charged to pay the ſame, and thereof to diſcharge the Leſſor and Landlord, during the term mentioned in the ſaid Leaſe.

Farmers may retain as much Rent, as the Subſidy amounts to,

—unleſs themſelves have covenanted to pay it.

Subſidy of Curates ſhall be anſwered by Farmers of Impropriations, *&c.*

XXX. And likewiſe be it enacted by the authority of this preſent Parliament, that whereas divers Curates liable to this Subſidy, being often times removeable, do ſerve as well in divers Impropriations belonging to the Queen's Majeſty, as in other Spiritual promotions belonging to other perſons; that for the ſpeedy recovery of the ſaid Subſidy it may be lawful to the Collector or Collectors of the ſaid Subſidy, their deputy or deputies, to levy the ſaid Subſidy upon the Farmer or Farmers, or occupiers of all ſuch Impropriations and Spiritual promotions, by all cenſures of the Church aforeſaid and every of them by way of diſtreſs of Tythes of the ſaid Impropriation or Impropriations and Spiritual promotions, or otherwiſe upon goods and chattels of the ſaid Farmer or Farmers and occupiers: in which caſe no Inhibition, Prohibition, Replevy and other proceſs awarded to the contrary, ſhall be obeyed; any Laws, Statutes, privileges or cuſtoms to the contrary hereof heretofore made, granted or uſed, or hereafter to be made, granted or uſed, to the contrary in any wiſe notwithſtanding.

[d] **Payment**] Till *ann.* 32 *H.*8. the laſt ſtep in the *Gifts* of the Clergy, was the King's Acceptance; upon which, Collectors were appointed to levy them by Spiritual Cenſures only: but then, the Collection being to be made, not only by force of *Spiritual* Cenſures, but alſo of *Temporal* Penalties (according to the Powers given to the Archbiſhops and Biſhops, for the Collecting of the *perpetual* Diſme,) the Confirmation of *Parliament* became neceſſary, in order to the Conveyance of *thoſe Powers*.

XXXI. And

Subſidies of the Clergy, confirmed in Parliament.

Collectors ſhall anſwer the Queen out of the Diſtreſſes, and return the remainder.

XXXI. And that it may be lawful to the Collectors and the Officers and Miniſters of ſuch Archbiſhop, Biſhop, and Dean and Chapter, for not payment of the ſaid Subſidy, after the ſame ſhall be due in any of the ſaid three years, to praiſe and value the ſaid diſtreſs or diſtreſſes, by two indifferent neighbours by him to be ſo choſen, and the diſtreſs or diſtreſſes ſo praiſed to ſell, and thereof to detain ſo much money as ſhall amount to the ſum payable to the Queen's Majeſty, with the reaſonable charges alſo of the ſaid Collector ſuſtained in that behalf, and the reſt of the money made of the ſaid diſtreſs to be delivered and paid to the owner and occupier thereof.

Lay-perſons having both Spiritual and Temporal Poſſeſſions, ſhall be charged, for the laſt, in the Lay-Subſidy.

XXXII. Provided always, and be it enacted by the authority aforeſaid, that every lay-perſon having ſpiritual promotion chargeable by this Act, and alſo having Temporal poſſeſſions, goods, chattels and debts charged to the ſaid Subſidy granted in this Parliament by the Temporality, ſhall be taxed, charged and ſet, for his ſaid ſpiritual promotions with the Clergy, and his Temporal poſſeſſions and chattels real with the Temporality, and not otherwiſe; Any thing before mentioned to the contrary notwithſtanding.

The Grant of the Province of *York*, ſhall be of the ſame force with this.

XXXIII. And be it further enacted by the authority aforeſaid, that all and every grant and grants of all and every ſum and ſums of money, which hereafter ſhall be granted to the Queens Majeſty by the Clergy of the Province of York, ſhall be of the ſame ſtrength, force and effect in all things, as the ſaid grant made by the ſaid Province of Canterbury, and ſhall be taxed, certified, collected, levied, gathered and payed, according to the tenor, form and effect of this preſent Act of Parliament, to all intents, conſtructions and purpoſes, in ſuch manner and form, as though it were ſpecially, plainly and particularly expreſſed and rehearſed in this preſent Act by expreſs words, terms and ſentences, in their ſeveral natures and kinds.

All Proviſoes in the Grants of both Provinces ſhall be good and effectual.

XXXIV. Provided always, and be it enacted by the authority aforeſaid, that all proviſoes before rehearſed, contained in the ſaid grant of the Prelates and Clergy of the Province of Canterbury, and the like of the ſame proviſoes hereafter to be contained in the grant of the Prelates and Clergy of the province of York, ſhall be good and effectual, and to be obſerved and kept in every point and article according to the true purport and meaning of the ſame.

A.D. 1664.

16, 17 Car. II. Cap. 1.

In an Act, Entituled, *An Act for granting a Royal Aid to the King's Majeſty.*

EXP.

Spiritual Promotions, being rated by this Act, to the Subſidy of the Laity, —ſhall be diſcharged from the two laſt Subſidies granted by the Clergy.

Provided always, and be it enacted by the authority aforeſaid, that all Spiritual Promotions, and all Lands, Poſſeſſions, or Revenues annexed to, and all Goods and Chattels growing or renewed upon the ſame, or elſewhere, appertaining to the owners of the ſaid Spiritual Promotions, or any of them, which are or ſhall be charged or made contributors by this Act towards the payments aforeſaid during the time therein appointed, ſhall be abſolutely *d* freed and diſcharged from the two laſt of the four Subſidies granted by the Clergy to his Majeſty his Heirs and Succeſſors, by an Act made in the former Seſſion of this preſent Parliament, Entituled, An Act for confirming of four Subſidies granted by the Clergy, any clauſe or thing in the ſaid Act to the contrary notwithſtanding.

d Freed.] This was, in conſideration of the Clergy's being now firſt taxed *together* with the Laity, to the Royal Aid granted by the preſent Act; as is *intimated* in this Clauſe.

A.D. 1664.

16, 17 Car. II. Cap. 1. —— 22, 23 Car. II. Cap. 3.

In an Act, Entituled, *An Act for granting a Subſidy to his Majeſty,* &c.

Nothing in this Lay-Subſidy, ſhall prejudice the Rights of the Clergy, *&c.*

Provided always, That nothing herein contained, ſhall be drawn into Example, to the prejudice of the ancient Rights belonging unto the Lords Spiritual and Temporal, or Clergy of this Realm, or unto either of the Univerſities, or unto any Colleges, Schools, Alms-Houſes, Hoſpitals, or Cinque-Ports.

CAP. V.

Clergy, as TAXED, *or* EXCUSED, *in the Subſidy Acts of the* LAITY.

Clergy, as Taxed, or Excuſed, in the Subſidy-Acts of the Laity.

Exceptions inſerted in the Subſidy Acts of the Laity.

Exceptions of Lands chargeable to the Diſmes of the Clergy, inſerted in all the Subſidies of the Laity.

EXP.

---- (Lands and tenements chargeable to the Diſme of the Clergy, and yearly wages due to ſervants for their yearly ſervice, being of the ſum of forty ſhillings or under, and not above, only excepted and foreprized.)

Proviſo, inſerted in the Subſidy-Acts of the Laity.

Proviſo, in all the Subſidy-Bills of the Laity, for Lands, *&c.* charged to the Subſidies of the Clergy.

EXP.

Provided always, and be it enacted by the authority aforeſaid, that all and every perſon and perſons, having manors, lands, tenements, and other hereditaments, chargeable to the payment of the Subſidy, granted to the Queens Majeſty, by this Act, and alſo having ſpiritual poſſeſſions, chargeable to her ſaid Majeſty, by the grant made by the Clergy of this Realm, in this their Convocation, and over this, having ſubſtance in goods and chattels, chargeable by this ſaid Act: That then if any of the ſaid perſon or perſons be hereafter charged, aſſeſſed and taxed for the ſaid manors, lands, and tenements, and ſpiritual poſſeſſions, and alſo aſſeſſed, charged, and taxed for his or their goods or chattels; that then he or they ſhall be only charged by virtue of this Act, for his and their ſaid manors, lands, tenements, hereditaments, or ſpiritual poſſeſſions, or only for his ſaid goods and chattels, the beſt thereof to be taken for the Queens Majeſty, and not to be charged for both, or double charged for any of them: any thing in this Act contained to the contrary in any wiſe notwithſtanding.

Clauſe inſerted in the Subſidy-Acts of the Laity.

Clauſe in the Subſidy-Acts of the Laity, rating Spiritual Perſons for Temporal Poſſeſſions.

EXP.

And that every ſpiritual perſon, during rhe ſaid three years, ſhall be rated and ſet, according to the rate aboveſaid, of and for every pound, that the ſame Spiritual perſon, or any other to his uſe, hath by deſcent, bargain or purchaſe in fee ſimple, fee tale, term of life, term of years, by execution, by ward, by copy of Court roll, or at will, in any manors, lands, tenements, rents, ſervices, offices, fees, annuities or hereditaments, after the true; juſt and yearly value thereof, after and according, as other the Kings Subjects born within this Realm, be charged in form above remembred: ſo that it extend to the yearly value of twenty ſhillings or above.

33 Henr. VIII. Cap. 5.

A.D. 1541.

In an Act Entituled, *An Act concerning keeping of great Horſes.*

Horſes ſhall be kept,

— by Archbiſhop, ſeven,

— Biſhop (of 1000*l.* *per Annum.*) five,

---- It may therefore pleaſe the Kings moſt Royal Majeſty, with the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, to ordain and enact by authority of the ſame, that every Archbiſhop and Duke of this Realm, from and after the feaſt of S. Michael the Archangel, which ſhall be in the year of our Lord God 1544. ſhall have, find and keep, ſuſtain and maintain of their own proper horſes, and at their proper coſts and expences, ſeven ſtoned trotting horſes for the ſaddle, every horſe of the ſame to be in age of three years and upwards, in height fourteen handfuls, reckoning and accounting to every handful four inches of the ſtandard, to be meaſured from the neither part of the hair of the hough, unto the upper part of the widerſons; that is to ſay, the upper part of the ſhoulders: upon pain that every Archbiſhop and Duke, lacking the number of the ſaid horſes to them above limited, after the ſaid feaſt, by the ſpace of three months, ſhall loſe and forfeit for every horſe ſo lacking, as often as they or any of them ſhall ſo lack them, by the ſaid ſpace of three months, twenty pounds: the one moiety thereof to the King our Soveraign Lord, and the other moiety to ſuch as will ſue for the ſame by bill, plaint, original writ or information in any of the Kings Courts; in which ſuit the defendant ſhall not wage their Law, nor any protection or eſſoigne ſhall be admitted or allowed. And that every Marqueſs and Earl of this Realm, and alſo every Biſhop of this Realm, the yearly value of whoſe Biſhoprick is of the yearly value of a thouſand pounds or above, ſhall after the feaſt of the S. Michael the Archangel, have, find, keep, ſuſtain and maintain of their proper horſes, and at their proper charges and expences, five ſtoned trotting horſes for the ſaddle, of the age and height aforeſaid, upon the pain above ſpecified, to be loſt and recovered to the uſe, and in ſuch form as is afore remembred. And that every other Biſhop of this Realm, whoſe Biſhoprick is of the yearly value of a thouſand marks or above,

and

Clergy, as Taxed, or Excuſed, in the Subſidy-Acts of the Laity.

and every Viſcount, and Baron, having lands, tenements, fees, annuities, or offices for the term of his life, to the clear value of a thouſand marks or above, upon like pain as is aforeſaid, ſhall after the ſaid feaſt of S. Michael, have, find, keep, ſuſtain and maintain three ſtoned trotting horſes for the ſaddle, of the age and height aforementioned, upon the pain above ſpecified, to be loſt, forfeit and recovered in manner and form as is aforeſaid. And that every other Biſhop, Viſcount, and Baron of this Realm not aforementioned; and alſo every ſpiritual perſon, having benefices or promotions to the yearly value of five hundred marks, and every temporal perſon, having lands, tenements, offices, fees or annuities, for the term of his life, in his own right or his wives, to the yearly value of five hundred marks, after the feaſt of S. Michael, ſhall have, find, keep, ſuſtain and maintain two ſtoned trotting horſes for the ſaddle, in manner and form and upon pain afore rehearſed: And that every other ſpiritual perſon, being under the degree of a Biſhop, having benefice or promotions to the clear yearly value of an hundred pounds or above, and not to the yearly value of five hundred marks: ---- ſhall after the feaſt of S. Michael the Archangel, which ſhall be in the year of our Lord God 1545. have, find, keep, ſuſtain and maintaine, as is aforeſaid, one ſtoned trotting Horſe for the ſaddle, upon the pain, that every ſuch ſpiritual perſon, under the degree of a Biſhop, having lands, tenements, benefices or promotions to the yearly value of a hundred pounds, and not to the yearly value of five hundred marks, as is aforeſaid, ---- ſhall loſe and forfeit for every time that any of them ſhall want or lack by the ſpace of three months, one trotting ſtoned horſe of the height and age aforeſaid, ten pounds, the one moiety thereof to the King, and the other to ſuch as will ſue for the ſame, in ſuch manner as is aforementioned.

— Biſhop (of 1000 Marks *per ann.*) 3.

— Biſhop (under 1000 Marks) and Spiritual perſons of 500 Marks, two,

—Spiritual Perſons, of 100*l.* one.

A.D 1623.

21 Jac. I. Cap. 28.

In an Act, Entituled, *An Act for Continuing and Reviving divers Statutes, and Repeal of divers others.*

§. XI. —— And one Statute made in the three and thirtieth year of the Reign of the late King Henry VIII. Entituled, An Act concerning keeping of great Horſes, — ſhall be, by virtue of this Act, repealed.

Repeal of the foregoing Statute.

A.D.1666.

29, 30 Car. II. Cap. 1. *Sect.* 9. —— 1 Will. & Mar. Cap. 13. *Sect.* 8. *&c.*

In Acts, Entituled, *Acts for raiſing Money by a Poll*, &c.

EXP.

Every perſon of the order and degree of an Archbiſhop, ſhall pay the ſum of twenty pounds; Every perſon of the degree and order of a Biſhop, the ſum of twenty pounds; Every perſon of the degree of a Dean of any Cathedral or Collegiate Church ſhall pay the ſum of ten pounds; Every perſon of the degree of an Archdeacon ſhall pay the ſum of fifty ſhillings; Every perſon of the degree of a Canon or Prebendary of any Cathedral or Collegiate Church (excepting ſuch ſole Prebendary who is a ſole Corporation, and his Prebend not rated in the Exchequer at above thirty pounds,) ſhall pay the ſum of fifty ſhillings; Every perſon of the degree of a Doctor of Divinity, Law or Phyſick, ſhall pay the ſum of five pounds; Every perſon holding two or more Benefices having Cure of Souls, which ſhall amount together to the clear yearly value of one hundred and twenty pounds, ſhall pay the ſum of five pounds.

Provided always, That no Doctor of Divinity, not having any Benefice or Eccleſiaſtical Preferment, ſhall be charged for his Title or Dignity of Doctor by virtue of this Act; nor the Widow of any Eccleſiaſtical perſon ſhall be charged for the third part, according to the Title or Dignity of her Husband.

To the Poll,
Archbiſhop, 50*l.*
Biſhop, 20*l.*
Dean, 10*l.*
Archdeacon, 2*l.* 10*s.*
Prebend, 2*l.* 10*s.*
Doctor, 5*l.*
Pluraliſt of 120*l.* *per ann.* 5*l.*
Doctors, not Promoted, ſhall not be charged for their Title.
—nor ſhall the Widow of any Eccleſiaſtical Perſon deceaſed, pay one third.

A.D.1693. &c.

5 Will. & Mar. Cap. 1. —— 6 Will. III. Cap. 3. —— 7 Will. III. Cap. 5.

In the ſeveral Acts for granting an Aid. &c.

EXP.

Provided nevertheleſs, and it is hereby further Enacted, that nothing in this Act contained, ſhall extend to charge or tax any Rector or Vicar, who has the Cure of Souls, and actually Reſides upon his Rectory or Vicaridge (upon the account of his Rectory or Vicaridge only) unleſs his Rectory or Vicaridge does really and truly exceed the value of † thirty pounds by the year * or unleſs he has more than one Rectory or Vicaridge.

† 40*l.* 7 *Will.* 3.
* and, 6 *Will.* 3.

Rectories and Vicaridges, not exceeding 30*l.* (or 40*l.* *per ann.*) ſhall not be taxed.

A.D. 1696. EXP.

8 Will. III. Cap. 6.

In an Act, Entituled, *An Act for granting an Aid*, &c.

Rectories, Vicaridges, and *Curacies*, not exceeding 40*l. per ann.* ſhall not be taxed.

Provided neverthleleſs, and it is hereby further enacted, That nothing in this Act contained, ſhall extend to charge or tax any Rector, Vicar, or Curate, who ſerves the Cure of Souls, and actually Reſides upon his Rectory, Vicaridge, or Curacy, or perſonally ſerves the Cure of ſuch Rectory, Vicaridge, or Curacy (upon the account of ſuch his Rectory, Vicaridge, or Curacy only) unleſs his Rectory, Vicaridge, or Curacy, Rectories, Vicaridges, or Curacies, do really and truly exceed the value of forty pounds by the year.

A.D. 1703. &c.

2 Annæ —— 10 Annæ.

In the Acts for granting an Aid, &c.

Penſion to the poor Clergy of the Iſle of *Man* ſhall not be taxed.

Provided, That this Act, or any thing therein contained, ſhall not extend to charge a certain Penſion of one hundred pounds per Annum, **granted by the late King** Charles **the ſecond, to the poor Clergy of the Iſle of** Man**.**

TIT. XLI.

CONSTITUTIONS, and CANONS, of the Church of *England*.

THE CONTENTS.

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CAP. I.

The ANCIENT CANON-LAW, *as of force, or not of force.*

A.D. 1533.

25 Henr. VIII. Cap. 14.

In an Act, Entituled, *An Act for puniſhment of Hereſy.*

The Antient Canon-Law, as of force, or not of force.

----- I. **AND alſo becauſe thoſe words Canonical Sanctions, and ſuch other like contained in the ſaid Act, are ſo general, that unneth the moſt expert and beſt Learned Man of this your Realm, diligenty lying in wait upon himſelf, can eſchew and avoid the penalty and dangers of the ſame Act and Canonical Sanctions, if he ſhould be examined upon ſuch captious Interrogatories, as is and hath been accuſtomed to be miniſtred by the Ordinaries of this Realm, in caſes where they will ſuſpect any perſon or perſons of Hereſy ---- And that alſo there be many Hereſies, and pains and puniſhments for Hereſies, declared and ordained in and by the Canonical Sanctions, and by the Laws and Ordinances made by the Popes and Biſhops of** Rome, **and by their Authorities, for holding, doing, preaching, or ſpeaking of things contrary to the ſaid Canonical Sanctions, Laws, and Ordinances, which be but human, being meer repugnant and contrarious to the Prerogative of your Imperial Crown, Regal Juriſdiction, Laws, Statutes, and Ordinantes of this your Realm. -----**

Canonical Sanctions, in Popiſh times, were of doubtful meaning:

—and divers of them not only human, but contrary to the Prerogative Royal.

A.D. 1533.

25 Henr. VIII. Cap. 14.

In an Act, Entituled, *An Act for Puniſhment of Hereſy.*

VI. **And where the great number of the Kings Subjects, having little or no Learning nor knowledge of Letters, have been put in opinion, that by divers** *a* **Laws, decrees, ordinances and Conſtitutions heretofore made by the Biſhop of** Rome **called the Pope, and his Predeceſſors, or by their Authorities, for the advancement of their worldly glory and ambition, every man that in any thing ſpeaketh or doth againſt the ſaid pretended power or authority of the ſame Biſhop of** Rome, **or any the ſaid Laws, Decrees, Ordinances and Conſtitutions, ſtandeth in danger and is impeachable of Hereſy: which effect or matter, nor any ſuch Laws, Decrees, Ordinances and Conſtitutions, not approved and confirmed by Holy Scripture, was never**

To ſpeak or act againſt *Papal Conſtitutions*, having been accounted Hereſy,

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a **Laws, Decrees.**] To prove the Inconſiſtence of theſe with the Laws of the Land, and, by conſequence, the neceſſity of changing and reforming; Archbiſhop *Cranmer* had drawn together many Citations out of the *Body of the Canon Law*; which are printed at large by Biſhop *Burnet*. And the Preface to the *Reformatio Legum*, ſpeaking of the Impoſitions of the Papal Chair, ſays, "Leges Legibus, *Decreta* Decretis, ac iis inſuper **Decretalia,** aliis "alia atque item alia accumulat; nec ullum penè ſtatuit "cumulandi finem, donec tandem ſuis *Clementinis, Sextinis, Intra & Extravagantibus, Conſtitutionibus Provincialibus, & Synodalibus, Paleis, Gloſſulis, Sententiis, Capitulis, Summariis, Reſcriptis, Breviculis, Caſibus* longis "& brevibus, ac infinitis *Rhapſodiis*, orbem confarcinavit.

Hiſt. Ref. p. 257. App. Pref. Ref. Leg.

—Enacted, that, —to ſpeak and act againſt Conſtitutions, which are not grounded in Scripture, —and which are contrary to the Laws, and Prerogative, —ſhall not be reputed Hereſy.

Vid. infra, 25 *H.* 8. c. 21.

The Antient Canon-Law, as of force, or not of force.

commonly [b] accepted or confirmed to be any Law of God or Man within this Realm: Wherefore be it enacted and ordained by authority of this preſent Parliament, that no manner ſpeaking, doing, communication, or holding againſt the ſaid Biſhop of Rome, or his pretended power or authority, made or given by human Laws or Policies, and not by holy Scripture; nor any ſpeaking, doing, communication, or holding againſt any Laws call'd Spiritual Laws, made by authority of the See of Rome, by the policy of men, which be repugnant or contrariant to the Laws and Statutes of this Realm, or to the King's Prerogative Royal, ſhall be deemed, reputed, accepted, and taken for Hereſy. ----

[b] **Accepted or Confirmed.**] This *ſuppoſes*, what all the Books agree in, that foreign Canons and Conſtitutions, tho' not obligatory *as ſuch*, may well remain Laws to us; as having been long and generally "*received, allowed,* and "*practiſed* among us.

25 Henr. VIII. Cap. 21.

A.D. 1533.

In an Act, Entituled, *An Act concerning Peter-pence and Diſpenſation.*

This Realm acknowledgeth no Laws, but ſuch as have been made in it,

—or received by common conſent, and by eſtabliſhed cuſtom.

§. I. —— Where this your Grace's Realm recogniſing no Superiour under God, but only your Grace, hath been, and is free from ſubjection to any mans Laws, but only to ſuch as have been deviſed, made, and obtained within this Realm for the wealth of the ſame, or [c] to ſuch other, as by ſufferance of your Grace and your Progenitors, the people of this your Realm, have taken at their liberty by their own conſent to be uſed amongſt them, and have bound themſelves by [d] long uſe and cuſtom to the obſervance of the ſame, not as to the obſervance of the Laws of any forein Prince, Potentate, or Prelate, but as to the cuſtomed and ancient Laws of this Realm, originally eſtabliſhed, as Laws of the ſame, by the ſaid ſufferance, conſents, and cuſtom, and none otherwiſe.

Stat. 21 *H.* 3. c. 9.

Glanv. l. 7. c. 15.

[c] **To ſuch other.**] The *whole* foreign Canon Law was not received here in *England*; as appears by the famous Caſe of Legitimation of Children born before Marriage: in which point, the Lords in Parliament declared, *Nolumus Leges Angliæ mutari*, tho' *Alexander* III. had publiſhed an expreſs Canon to that purpoſe; for (as *Glanvil* ſaith) it was *contra Jus & Conſuetudinem regni*.

Under the ſame Head, is to be reckoned, The Allowance of *four Months* only to a Lay Patron; The Clergy's not being *taxable* but by Conſent of the Pope; The *total Exemption* of the Clergy from the Secular Power; The Denial of Clergy to *Bigamiſts*; The Authority of Papal *Proviſions*, and the like: Some of which were never allowed in *practice*; and others, when attempted, were withſtood and declared againſt, or, tho' in *practice* they might prevail by the over-ruling Power of the Court of *Rome* (which was the caſe of Papal Proviſions) yet they were all the while *againſt* the known Laws of the Land, and on that account were never properly *received* among us.

[d] **Long uſe and cuſtom.**] From the Requeſt made by the Biſhops in Parliament, 20 *H.* 3. concerning the Admiſſion of *Alexander* III's Canon for the Legitimation of Children born before Marriage, my Lord *Coke*'s Inference is, *That any foreign Canon or Conſtitution made by Authority of the Pope, bindeth not, until it be allowed by Act of Parliament:* But here we ſee a Parliamentary Declaration, that *long Uſe and Cuſtom,* without the Authority of Parliament, is ſufficient to graft foreign Laws into the *Engliſh* Conſtitution, *i. e.* to make them part of the *Common* Law of the Land. Whereupon, Biſhop *Stillingfleet*, making *general Practice* and *Allowance* the main Foundation of our Eccleſiaſtical legal Conſtitution; *This is,* adds he, *when things* of themſelves, *do not oblige by the Authority of thoſe that made them*; *yet being generally* received *and* allowed, *they thereby become* Law *to us.* Which is no more, in effect, than what the Juſtices declared, in the Caſe of *Evans* and *Aſcuith*, That *they bind not, otherwiſe than as they are* received *and* allowed; *but when they are allowed, they then become part of our Law.* And, on another occaſion, *The Council of* Lateran *was a general Law received in* England, *and is as forcible as an Act of Parliament.* And *Vaughan*, *If* Canon Law *be made part of the Law of this* Land, *then is it as much the Law of the Land, and as well, and by the ſame Authority, as any other part of the Law of the Land.*

1 Eccl. Caſ. p. 349.

Palm. 469.

Hardr. 101.

Vaugh. p. 21.

25 Henr. VIII. Cap. 19.

A.D. 1533.

In an Act, Entituled, *The Submiſſion of the Clergy, and Reſtraint of Appeals.*

The Clergy declare, that divers of the antient Canons are prejudicial to the Prerogative, and onerous to the Subject;

—and therefore pray an Examination, to ſee which ſhall be abrogated, and which continued.

---- §. I. And where divers Conſtitutions, Ordinances, and Canons Provincial, or Synodal, which heretofore have been enacted, and be thought not only to be much prejudicial to the King's Prerogative Royal, and repugnant to the Laws and Statutes of this Realm, but alſo overmuch onerous to his Highneſs and his Subjects: the ſaid Clergy hath moſt humbly beſought the King's Highneſs, that the ſaid Conſtitutions and Canons may be committed to the examination and judgment of his Highneſs, and of two and thirty perſons of the King's Subjects, ſixteen to be of the upper and nether Houſe of the Parliament of the Temporalty, and other ſixteen to be of the Clergy of this Realm: And all the ſaid two and thirty perſons to be choſen and appointed by the King's Majeſty; And that ſuch of the ſaid Conſtitutions and Canons as ſhall be thought and determined by the ſaid two and thirty perſons, or the more part of them, worthy to be abrogated and adnulled, ſhall be abolite and made of no value accordingly; And ſuch other of the ſame Conſtitutions and Canons as by the ſaid two and thirty, or the more part of them, ſhall be approved to ſtand with the Laws of God, and conſonant to the Laws of this Realm, ſhall ſtand in their full ſtrength and power, the King's moſt Royal aſſent firſt had and obtained to the ſame.

A.D.1533.

25 Henr. VIII. Cap. 19.

In an Act, Entituled, *The Submiſſion of the Clergy, and Reſtraint of Appeals.*

§. VII. **Provided alſo, That ſuch Canons, Conſtitutions, Ordinances, and Synodals Provincial, being already made, which be not contrariant nor repugnant to the Laws, Statutes and Cuſtoms of this Realm, nor to the damage or hurt of the King's Prerogative Royal, ſhall now** [e] **ſtill be uſed and executed** [f] **as they were afore the making of this Act, till ſuch time as they be viewed, ſearched, or otherwiſe ordered and determined by the † ſaid two and thirty perſons, or the more part of them, according to the tenor, form and effect of this preſent Act.**

Canons, not contrary to the Laws, or the Prerogative Royal, —ſhall be uſed, till otherwiſe ordered by the 32 Perſons.

† V. Cap. 3. of this T. 25 H. 8. c. 19. §. 2.

[e] **Still be uſed and executed.**] The Clauſe of the laſt mentioned Act (21 *H.* 8. c. 21. §. 1.) was a Recognition of the Authority of the *foreign* Canon Law in this Nation, upon the foot of *Uſage* and *Cuſtom*; to which this Clauſe adds a *Parliamentary* Authority or *Enaction* to all *our own* Canons and Conſtitutions, *which are not repugnant to the Laws, Statutes and Cuſtoms of this Realm, nor to the damage or hurt of the King's Prerogative Royal.*

[f] **As they were.**] This ſhews, of what conſequence it is, to preſerve and examine our *Eccleſiaſtical Records*, in order to the Support of Eccleſiaſtical Authority; ſince from theſe, and theſe alone, it can be made appear, on all occaſions, that it is entitled to the additional Strength, not only of *Common*, but likewiſe of *Statute* Law: both which, as is clearly ſeen, do ultimately reſolve into *Practice*; as the *proof* of Practice reſts upon Eccleſiaſtical Records.

CAP. II.

The LEGATIN-CONSTITUTIONS.

A.D.1237. 22 *H.* 3.

OTHO.

Summarium.

Quoniam Domum Miniſtroſque Dei Sanctitudo decet, quam Humani generis hoſtis polluere conatur; ut ejus conatibus obviaret, has Legatinas Conſtitutiones Dominus Otho, *Legatus Apoſtolicus* Anglicanæ *tulit Eccleſiæ.*

The Legatin-*Conſtitutions.*

Otho. Edit. Oxon. p. 3.

QUoniam decet domum Dei Sanctitudo, & Miniſtris ejus à Domino dicitur, *Sancti eſtote, quoniam ego ſanctus ſum,* dicit Dominus Deus noſter, ſatagit aſtutia humani generis inimici, ut Sanctitatem & emendationem ſubtrahat & deſtruat: quia utrobique, dum in pluribus locis, & ne conſecrentur Eccleſiæ, impedit vel deturbat; & nè ſuo dignè fungantur Officio, Miniſtrorum mores & vitam multorum vitiat & depravat; Sanctorum Patrum Regulis & Statutis, & generaliter omnibus Chriſtianæ Religionis profectibus, ſe totis conatibus opponendo. Huic eſt igitur armatâ manu à cunctis Chriſti fidelibus in fide fortiter reſiſtendum, & ad ejus molimina renovatis & nobis ſemper † utendo viribus: ſic *Iſacc* puteos, quos foderant pueri *Abrahæ*, ſed humo impleverant *Paleſtini*, prius ſtuduit renovare, & demum alios fodere prorſus novos.

The Devil endeavours to ſow Corruptions in the Church; —and the like Endeavours muſt be uſed to oppoſe him;

† Utendi viribus enervanda. *MS.*

Denique, Nos *Otho* miſeratione Divinâ Sancti *Nicolai* in carcere *Tulliano* Diaconus Cardinalis, Apoſtolicæ Sedis Legatus, ad partes *Angliæ* cum Legationis officio à Sede Apoſtolica deputati, ac deſtinati, Divino fulti auxilio, & aſtantis Concilii ſuffragio & conſenſu, ad roborandum & * reformandum ſtatum Eccleſiaſticum in partibus *Anglicanis*, ſalvis aliis Canonicè Inſtitutis, quæ cum reverentia Volumus & Præcipimus obſervari, quædam ex commiſſi nobis Officii poteſtate duximus ſtatuenda, quæ per certos articulos *infrà* fecimus digeri & diſtingui.

—which moved *Otho*, the *Legate*, to confirm former Conſtitutions, and add ſome new ones.

* Confirmandum. *MS.*

[Note, *The particular Conſtitutions of* Otho, *are placed under the proper Heads, to which they belong.*]

OTHOBON.

Summarium.

Pio zelo excitatus, & juſtâ auctoritate fretus Dominus Othobonus, *ſequentes Conſtitutiones* Angliæ, Hiberniæ, Scotiæ, & Walliæ *Conſtitutus eſt.*

The Laws of God were given to Mankind, for gracious ends,

Othob. Edit. Oxon. p. 75.

MAndata Dei & Lex Altiſſimi data ſunt à diebus antiquis, ut Creatura, quæ fregerat jugum, recedens à pace Dei ſui, venturum pacificum Regem reconciliatorem medium, & inſtaurantem omnia Pontificem, manens ſub obſervantia Legis & Mandatorum tanquam lucernæ & lucis, datâ ſpe quaſi umbraculo in Patrum promiſſionibus, expectaret. Hæc autem eſt dignitas Adoptivorum Sponſæ, & gloria Filiorum Sanctæ Matris Eccleſiæ, ut audiant ex ea mandata vitæ, cuſtodientes cor ſuum in illis in pacis pulchritudine, pudicitiæ claritate, ac regimine modeſtiæ; appetitum noxium Rationis judicio ſubjugantes.

— and enforced by many Decrees, and Conſtitutions,

— but are tranſgreſſed, through the natural corruption in Man;

Ad cujus rei commodam executionem, Sanctorum Patrum Decreta, per ora eorum divinitùs promulgata, Juſtitiæ regulas & æquitatis dogmata complectentia, quaſi lata flumina prodierunt: & tam Summorum Pontificum, quàm ipſius Apoſtolicæ Sedis Legatorum, aliorumque Prælatorum Eccleſiæ Sanctæ toto Orbe diffuſæ, Conſtitutiones Sacræ, tanquam rivuli de fluminum latitudine, pro diverſorum temporum neceſſitate ſunt proditæ, ut novis morbis fragilitate humanâ generatis nova remedia provenirent. Sed effrænis illa cupiditas, quæ in primis generis humani Parentibus radices miſit, ita virus ſuum in poſteros ſeminavit, ita per illicitos motus cæca diſcurrit, ut comminutâ virgâ virtutis & † diſcretionis, ad aliena irreverenti fronte proſiliat, & quaſi ebria ſe dimittat: quo fit, ut corruptæ mentis aviditas nec abſtinere ab illicitis noverit, nec gaudere permiſſis, neque ad bona conſenſum adhibeat pietatis.

† Directionis. *MS.*

— which ſpreads daily into greater degrees of Wickedneſs;

Sanè ſi antiqua & remota peſtis hujuſmodi exterminia * dolenda ſuſcepimus, amariùs flendo modernum vulnus incumbens, quod non modò auribus, ſed etiam oculis & manibus ſe palam exhibet, æſtimamus, eo quod temporis hujuſmodi dies mali, quantum à primis § longanimitate diſcedant, tanto duriori cervice in profundiora malorum contemptu damnabiliori deſcendunt, dum Juris ſemitâ derelictâ divertitur in obliquum, cedit potentiæ veritas, Juſtitiam favor expellit; & dum omnes, quæ ſua ſibi videntur, expoſcunt, quæ Chriſti ſunt, quæ Animarum profectibus conſulunt, quæ Eccleſiarum decus erigunt, non ſolùm in negligentiæ nebulis, ſed etiam in deſpectûs & ignorantiæ latebris tenebroſis abſcondunt.

* Delenda, MS.

§ Longævitate, *MS.*

— for the Reformation whereof, *Othobon* was ſent, *Legate*,

— and, to the former Laws and Conſtitutions, added divers new ones.

Nos igitur ad Regnum *Angliæ* inclytum, quod diebus proximis à gloriæ ſuæ culmine in extenſionem [g] utriuſque poteſtatis exciderat, ad *Scotiæ*, *Hiberniæ*, & *Walliæ* partes, de gremio Sanctæ Matris Eccleſiæ, commiſſo Nobis in ipſis plenæ Legationis Officio, deſtinati, plantandi & evellendi, atque ædificandi ſollicitudinem de manu Sanctiſſimi Patris Domini [h] *Clementis*, ipſius Univerſalis Eccleſiæ Summi Pontificis, non ex affectu propriæ voluntatis, ſed pro debitæ obedientiæ bono ſuſcepto, ut noſtrum juxta doctrinam Apoſtoli miniſterium impleamus, cùm Sacrorum Canonum Inſtituta, quorum imitationem Principum quoque Sæcularium Leges aſſumunt, Conſtitutiones quoque bonæ memoriæ *Othonis Portuenſis* Epiſcopi, tunc Sancti *Nicholai* in carcere *Tulliano* Diaconi Cardinalis, in Regnis *Angliæ* & *Scotiæ* Apoſtolicæ Sedis Legati, necnon Provincialium Conciliorum proviſiones, mores, & actus fidelium ſubditorum ſalubriter informantes, quod harum aliqua à nonnullis invenimus obſervari; dignum Duximus, præſenti Sacro approbante Concilio, ad omnem Sanctam & Dei placitam obſervationem certas Conſtitutiones facere, atque jam promulgatis certa quædam Capitula, necnon pœnas adjicere, quæ auctore Deo profectum valeant inducere ſalutarem.

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[g] Utriuſque Poteſtatis.] *Tam Eccleſiaſticæ, quàm Sæcularis.* J. de Athon.

[h] *Clementis.*] *Scil. quarti; cujus iſte Legatus, Scil.* Othobonus, *Succeſſor fertur fuiſſe in Papatu.* J. de Athon.

[Note, *The particular Conſtitutions of* Othobon, *are placed under the proper Heads to which they belong.*]

CAP. III.

REVIEWS *of the antient Canons and Conſtitutions, in order to a new Body of* ECCLESIASTICAL-LAWS.

A.D.1533.

25 Henr. VIII. Cap. 19.

In an Act, Entituled, *The Submiſſion of the Clergy, and Reſtraint of Appeals.*

Reviews of the Antient Canons and Conſtitutions, in order to a new Body of Eccleſiaſtical Laws.

† See 25 *H.* 8. c. 19. §. 1. as in Cap. 2.

II. AND foraſmuch as ſuch canons, conſtitutions and ordinances, as heretofore have been made by the Clergy of this Realm, cannot now at the ſeſſion of this preſent Parliament, by reaſon of ſhortneſs of the time, be viewed, examined, and determined by the Kings Highneſs, and xxxii. perſons to be choſen and appointed, according to the petition of the ſaid Clergy, in form † above rehearſed: Be it therefore enacted by the authority aforeſaid, That the Kings Highneſs ſhall have power and authority to nominate and aſſign at his pleaſure the ſaid two and thirty perſons, of his ſubjects, whereof ſixteen to be of the Clergy, and ſixteen to be of the Temporality of the upper and nether houſe of the Parliament: And if any of the ſaid two and thirty perſons ſo choſen, ſhall happen to dy before their full determination; then his Highneſs to nominate other from time to time, of the ſaid two houſes of Parliament, to ſupply the number of the ſaid two and thirty. And that the ſame two and thirty by his Highneſs ſo to be named, ſhall have power and authority to view, ſearch and examine the ſaid Canons, Conſtitutions, and Ordinances Provincial and Synodal heretofore made; and ſuch of them, as the Kings Highneſs and the ſaid two and thirty, or the more part of them, ſhall deem and adjudge worthy to be continued, kept, and obeyed, ſhall be from henceforth kept, obeyed, and executed within this Realm, ſo that the Kings moſt royal aſſent, under his great Seal, be firſt had to the ſame. And the reſidue of the ſaid Canons, Conſtitutions and Ordinances Provincial, which the Kings Highneſs, and the ſaid two and thirty perſons, or the more part of them, ſhall not approve, or deem and judge worthy to be abolite, abrogate, and made fruſtrate, ſhall from henceforth be void and of none effect, and never be put in execution within this Realm.

The old Canons cannot be reviewed, this Seſſion of Parliament,

—but the King ſhall have Power to appoint 32 Perſons, to review them;

—and ſuch as they, with the Royal Aſſent, do approve, ſhall be in force; and ſuch as they diſapprove, void.

A.D.1535.

27 Henr. VIII. Cap. 15.

An Act whereby the King's Majeſty ſhall have Power to nominate two and thirty Perſons of his Clergy, and Lay-Fee, for making of Eccleſiaſtical-Laws.

SIthen the beginning of this preſent Parliament, there is an Act ordained and eſtabliſhed according to the purport and effect, as hereafter followeth: that is to ſay, where the Kings humble and obedient ſubjects, the Clergy of this Realm of England, have not only knowledged according to the truth, that the Convocations of the ſame Clergy is, always have been, and ought to be aſſembled only by the Kings Writ, but alſo ſubmitting themſelves to the Kings Majeſty, hath promiſed in Verbo Sacerdotii, that they will never from henceforth preſume to attempt, alledge, claim, or put in ure, or enact, promulge, or execute any new Canons, Conſtitutions, Ordinances Provincial or other, or by whatſoever other name they ſhall be called in the Convocation, unleſs the Kings moſt Royal aſſent and licence may to them be had, to make, promulge and execute the ſame, and that his Majeſty do give his moſt Royal aſſent and authority, in that behalf; and where divers conſtitutions, ordinances and canons provincial or ſynodal, which heretofore have been enacted, and be thought not only to be much prejudicial to the Kings Prerogative Royal, and repugnant to the Laws and Statutes of this Realm, but alſo over much onerous to his Highneſs and to his ſubjects, the ſaid Clergy hath moſt humbly beſought the Kings Highneſs, that the ſaid conſtitutions and canons may be committed to the examination and judgment of his Highneſs, and of thirty two perſons of the Kings Subjects, whereof ſixteen to be of the upper and nether Houſe of Parliament of the Temporalty, and other ſixteen to be of the Clergy of this Realm, and all the ſaid two and thirty perſons to be choſen and appointed by the Kings Majeſty; and that ſuch of the ſaid conſtitutions and canons as ſhall be thought and determined by the ſaid two and thirty perſons, or the moſt part of them, worthy to be abrogated and adnulled, ſhall be abolite and made of no value accordingly: and ſuch other of the ſame conſtitutions and canons, as by the ſaid two and thirty, or the more part of them, ſhall be approved to ſtand to the Laws of God, and conſonant to the Laws of this Realm, ſhall ſtand in their full ſtrength and power, the Kings moſt Royal aſſent firſt had and obtained to the ſame: Be it therefore now enacted by authority of this preſent Parliament, according to the ſaid ſubmiſſion and petition of the ſaid Clergy, that they nor any of them from henceforth ſhall preſume to attempt, alledge, claim, or put in ure, any conſtitutions, ordinances provincial or ſynodal, nor any other canons; nor ſhall enact, promulge, or execute any ſuch canons, conſtitutions, or ordinances provincial, by whatſoever name or names they may be called in their Convocations, in the time coming, which ſhall be alway aſſembled by authority of the Kings Writ, unleſs that the ſame Clergy may have the Kings moſt royal aſſent and licence to make, promulge and execute ſuch canons, conſtitutions and ordinances provincial or ſynodal: upon pain of every of the ſaid Clergy, doing contrary to this Act, and being thereof convict, ſhall ſuffer impriſonment and make fine at the Kings will.

Recital of the Stat. 25 *H.* 8. c. 19,

—as to the appointment of Perſons to review the Canons,

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— which could not be reviewed in that Seſſion; and were therefore referred to thirty two Perſons (to be appointed by the King,)

— who ſhould Judge, which were to be continued, and which abrogated; with the Royal Aſſent.

II. And foraſmuch as ſuch canons, conſtitutions and ordinances, as heretofore have been made by the Clergy of this Realm, cannot now at the Seſſions of this preſent Parliament, by reaſon of ſhortneſs of time be viewed, examined and determined by the Kings Highneſs and thirty two perſons to be choſen and appointed according to the petition of the ſaid Clergy, in form above rehearſed: Be it therefore enacted by authority aforeſaid, that the Kings Highneſs ſhall have power and authority to nominate and aſſign at his pleaſure the ſaid xxxii. perſons of his Subjects, whereof xvi. to be of the Clergy, and xvi. to be of the Temporalty, of the upper and nether houſe of the Parliament. And if any of the ſaid thirty two perſons ſo choſen, ſhall happen to dye before their full determination, then his Highneſs to nominate other from time to time of the ſaid two houſes of Parliament, to ſupply the number of the ſaid thirty two: And the ſame thirty two, by his Highneſs ſo to be named, ſhall have power and authority to view, ſearch and examine the ſaid canons, conſtitutions and ordinances provincial and ſynodal heretofore made, and ſuch of them as the Kings Highneſs and the ſaid thirty two, or more part of them, ſhall deem and adjudge worthy to be continued, kept and obeyed, ſhall be from thenceforth kept, obeyed and executed within this Realm, ſo that the Kings moſt Royal aſſent under the great Seal be firſt had to the ſame. And the reſidue of the ſaid canons, conſtitutions and ordinances provincial, which the Kings Highneſs, and the ſaid thirty two perſons, or the more part of them, ſhall not approve, or deem and adjudge worthy to be continued, kept and obeyed, but to be abolite, abrogate and made fruſtrate, ſhall from henceforth be void and of none effect, and never be put in execution within this Realm.

III. Provided always, that no canons, conſtitutions, or ordinance, ſhall be made and put in execution within this Realm, by authority of the Convocations of the Clergy, which ſhall be contrariant or repugnant to the Kings Prerogative royal, or the cuſtoms, laws or ſtatutes of this Realm: any thing contained in this Act to the contrary hereof notwithſtanding.

IV. Provided alſo, that ſuch canons, conſtitutions, ordinances and ſynodals provincial, being already made, which be not contrariant nor repugnant to the Laws, Statutes and Cuſtoms of this Realm, nor to the damage or hurt of the Kings prerogative royal, ſhall be now ſtill uſed and executed as they were before the making of this Act, till ſuch time as they be viewed, ſearched, or otherwiſe ordered and determined by the ſaid thirty two perſons, or the more part of them, according to the tenor, form and effect of this preſent Act; as by the ſaid Act amongſt other things more at large is expreſſed.

The King hath not named the 32 Perſons,

— but ſhall have Power to name them, before or after the diſſolution of the Parliament,

— and they ſhall have Power for 3 years, after ſuch Diſſolution.

V. And foraſmuch as the Kings highneſs hath not named and aſſigned the ſaid thirty two perſons ſince the making of the ſaid Act: Be it therefore enacted by authority of this preſent Parliament, that the Kings Majeſty ſhall have full power and authority, as well afore as after the diſſolution of this preſent Parliament, at his liberty and pleaſure to name and aſſign ſixteen perſons of the Clergy, and ſixteen Lay perſons of the Temporalty: And if after ſuch nomination, any of the ſaid perſons happen to deceaſe, that then the Kings Highneſs ſhall have power and authority to nominate and aſſign from time to time other in their places, to ſupply the number of the ſaid thirty two perſons: And that the ſaid thirty two perſons to be nominated by his Majeſty, at all times from henceforth for the time of three years next after the diſſolution of this Parliament, ſhall have power and authority to aſſemble themſelves together from time to time by the Kings commandment, for the due and perfect execution of the ſaid Act, according to the intent and true meaning of the ſame: any thing in the ſaid Act to the contrary hereof notwithſtanding.

1, 2 Phil. & Mar. Cap. 8.

A.D.1554.

In an Act, Entituled, *An Act Repealing all Articles and Proviſions made againſt the See Apoſtolick*, &c.

Repeal of the Stat. 27 *H.* 8. c.15.

XXV. —— **An Act, whereby the King ſhould have power to nominate xxxij. perſons of his Clergy and Lay-fee, for the making of Eccleſiaſtical Laws, —— ſhall henceforth be repealed, made fruſtrate, void, and of none effect.**

35 Henr. VIII. Cap. 16.

A.D.1543.

An Act concerning the Examination of the Canon Laws by xxxii. Perſons to be named by the King's Majeſty, during his Highneſs Life.

Recital of Stat. 27 *Henr.* 8. c. 15.

WHere in the Parliament holden at Weſtminſter, the fourth day of February, in the twenty ſeventh year of the Reign of our moſt dread Soveraign Lord King Henry the eight, it was enacted by the Kings Highneſs with the aſſent of the Lords Spiritual and Temporal, and the Commons in the ſame Parliament aſſembled, and by the authority of the ſame, that the Kings Majeſty ſhould have full power and authority, as well afore as after the diſſolution of the ſaid Parliament at his liberty and pleaſure, to name and aſſign ſixteen perſons of the Clergy, and ſixteen Lay perſons of the Temporalty; And if any of the ſaid perſons ſo named happened to deceaſe, that then the Kings Majeſty ſhould have power and authority, to nominate and aſſign from time to time, other in their places, to ſupply the number of the ſaid thirty two perſons, to view, ſearch and examine the canons, conſtitutions, and ordinances provincial, and ſynodal, mentioned and ſpecified in the ſaid Act; And that the ſaid thirty two perſons, ſo to be nominated and appointed by his Majeſty at all times from thenceforth for the term of three years next after the diſſolution of the ſaid Parliament, ſhould have power and authority to aſſemble themſelves together from time to time, by the Kings commandment, for the due and perfect execution of the ſaid Act, according to the intents and true meaning of the ſame: as in the ſaid Act

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plainly appeareth: Since the making of which Act divers urgent and great cauſes and matters have occurred and happened, whereby the ſaid nomination and appointment of the ſaid thirty two perſons by the Kings Highneſs, have been omitted, whereby the ſaid ſearch, view and examination of the ſaid canons, conſtitutions, ordinances, provincial and ſynodal, have not been had ne made according to the tenor, purport and effect of the ſame Act:

—and Enacted, that;

—the King ſhall have Power, during Life, to nominate thirty two Perſons, to examine the Canon-Law,

—and they ſhall have Power to aſſemble, from time to time, for that end;

II. Wherefore be it enacted by the King our Soveraign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame (any Act heretofore made to the contrary notwithſtanding,) That the Kings Majeſty ſhall from henceforth from time to time during his Highneſs life (which our Lord long preſerve) have power, authority and liberty, to nominate and aſſign ſixteen perſons of the Clergy, and ſixteen Lay perſons of the Temporalty, to peruſe, overſee, and examine all manner of canons, conſtitutions, ordinances, provincial and ſynodal, and further to ſet in order and eſtabliſh all ſuch Laws Eccleſiaſtical, as ſhall be thought by the Kings Majeſty and them convenient to be uſed and ſet forth within his Realm and Dominions, in all Spiritual Courts and conventions: And if after ſuch nomination, any of the ſaid perſons ſo to be nominated, happen to deceaſe, that then the Kings ſaid Majeſty ſhall have full power and authority, to nominate and aſſign from time to time, as is aforeſaid, other in their places, to ſupply the number of the ſaid thirty two perſons: And that the ſaid thirty two perſons ſo to be nominated by his Majeſty as is aforeſaid, at all times from henceforth ſhall have power and authority to aſſemble themſelves together, from time to time, by the Kings commandment, for the perfect eſtabliſhment of the ſaid Laws, according to the due intent and true meaning of this Act, and of the proviſions therein; any Act to the contrary hereof notwithſtanding.

—but till that work ſhall be accompliſhed,

—the Canons in uſe (not being contrary to the Laws, or Prerogative) ſhall be put in ure.

III. And be it further enacted by the authority aforeſaid, that till ſuch time as the Kings Majeſty and the ſaid thirty two perſons have accompliſhed and executed the effects and contents afore rehearſed and mentioned, that ſuch canons, conſtitutions, ordinances, ſynodal or provincial, or other Eccleſiaſtical Laws or Juriſdictions Spiritual, as be yet accuſtomed and uſed here in the Church of England, which neceſſarily and conveniently are requiſite to be put in ure and execution for the time, not being repugnant contrariant or derogatory to the Laws or Statutes of the Realm, nor to the prerogatives of the regal Crown of the ſame or any of them, ſhall be occupied, exerciſed and put in ure for the time, within this or any other the Kings Majeſties Dominions. And that the Miniſters and due executors of them, ſhall not incur any damage or danger for the due exerciſing of the foreſaid Laws, ſo that by no colour or pretence of them or any of them, the Miniſter put in ure any thing prejudicial or in contrary of the regal power or laws of the Realm, any thing whatſoever to the contrary of this preſent Act notwithſtanding.

The Laws to be deviſed by the 32 Perſons, and declared by the King's Proclamation, ſhall be the King's Eccleſiaſtical Laws.

IV. And be it alſo enacted by the authority aforeſaid, that ſuch laws and ordinances Eccleſiaſtical, as ſhall be deviſed and made by the Kings Majeſty and thirty two perſons afore mentioned by virtue of this preſent Act, ſhall, after they be made, [i] eſtabliſhed and declared by the King's Majeſties Proclamation under his Highneſs great Seal, be only taken reputed and uſed, for the Kings Laws Eccleſiaſtical of this Realm, any Act to the contrary of this Statute notwithſtanding.

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[i] **Eſtabliſhed and Declared.**] Purſuant to the Powers given by this Act, not only the 32 Perſons were appointed for *Reformation* of the Canon Law, but they had drawn the whole into form, ſo as nothing was wanting but the Confirmation of the King; as appears by the Letter or *Act* of *Confirmation*, which was ready prepared, and which is now prefixed to the Book entitled *Reformatio Legum*, &c.

A.D. 1558.

3, 4 Edw. VI. Cap. 11.

An Act that the Kings Majeſty may nominate and appoint xxxii. Perſons, to peruſe and make Eccleſiaſtical Laws.

EXP.

The Royal Supremacy, in Eccleſiaſtical Cauſes, having been long diſuſed,

—ought to be better underſtood by the Subjects.

ALbeit the Kings moſt excellent Majeſty, governour and ruler under God of this Realm, ought moſt juſtly to have the government of his Subjects, and the determination of their cauſes, as well Eccleſiaſtical as Temporal; yet the ſame, as concerning Eccleſiaſtical cauſes having not of long time been put in ure nor exerciſed, by reaſon of the uſurped authority of the Biſhop of Rome, be not perfectly underſtood nor known of his Subjects, and therefore of neceſſity, as well for the aboliſhing and putting to utter oblivion the ſaid uſurped authority, as for the neceſſary adminiſtration of Juſtice to his loving Subjects: It may pleaſe his Highneſs, that it may be enacted by his moſt gracious aſſent, with the aſſent of the Lords Spiritual and Temporal and the Commons of this preſent Parliament aſſembled, and by the authority of the ſame, That the Kings Majeſty ſhall from henceforth during three years, have full power, authority and liberty [k] to nominate and aſſign by the advice of his Highneſs Council, ſixteen perſons of

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[k] **To nominate and aſſign.**] There was a Nomination of eight, purſuant to this Statute, and by way of Preparation for the 32; as follows:

Rex *Edovardus* Sextus.

EDovardus *Sextus*, *Dei gratia*, Angliæ, Franciæ, & Hiberniæ *Rex*, *fidei defenſor*, & *in terra Eccleſiæ* Anglicanæ & Hibernicæ *ſupremum caput: Reverendiſſimo in Chriſto patri*, Thomæ, *eâdem gratiâ* Cantuarienſi *Archiepiſcopo, totius* Angliæ *Primati*, & *Metropolitano: Reverendoque in Chriſto patri*, Thomæ, Elienſi *Epiſcopo: Ac dilectis nobis in Chriſto*, Richardo Cox, *Eleemoſynario noſtro*: Petro Martyr, *Sacræ Theologiæ Profeſſoribus*, Willihelmo Maye, Roulando Taylour *de* Hadley, *legum Doctoribus: Nec non dilectis*, & *fidelibus noſtris*, Johanni Lucas, & Richardo Gooderike *Armigeris*, *ſalutem: Cum Nos triginta duos viros, ad leges noſtras Eccleſiaſticas perlegendas*, & *componendas, juxta vim, formam*, & *effectum cujuſdam Acti Parlamenti, in tertio regni noſtri anno, apud* Weſtm. *facti brevi aſſignare* & *deputare proponimus*, & *ubi numerus prædictus ad tractatum legum prædictarum, deſcribendarum* & *componendarum, nimius videtur, tametſi id tum propter conſultationem*, & *judicium ſuper eo habendum, tum etiam propter perfectionem*, & *complementum earundem longè expediens exiſtit, Nobis, moventibus Conſiliariis noſtris à ſecretis, conſentaneum magis videtur, hujus rei initium, introitum, primam formam*, & *lineaturam numero octavo, qui dictorum triginta erit porcio, committere: nempe quaſi præparationem quandam grandiori numero futuram.*

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The King ſhall have Power, for 3 years, to nominate thirty two Perſons; four of which to be Biſhops, and four, Common-Lawyers, to compile Eccleſiaſtical Laws,

—and the Laws by them Compiled, and ſet forth by the King's Proclamation, ſhall be the King's Eccleſiaſtical Laws,

—and none ſhall incur any Penalty, for executing them.

the Clergy, whereof four to be Biſhops, and ſixteen perſons of the Temporalty, whereof four to be learned in the Common Laws of this Realm, to peruſe and examine the Eccleſiaſtical Laws of long time here uſed, and to gather, order, and compile ſuch Laws Eccleſiaſtical, as ſhall be thought to his Majeſty, his ſaid Council, and them or the more part of them, convenient to be uſed, practiſed and ſet forth within this his Realm, and other his Dominions, in all Spiritual or Eccleſiaſtical Courts and conventions. And if after ſuch nomination, any of the perſons ſo to be nominated, happen to dye, that then his Highneſs by the advice of his ſaid Council, during the ſaid three years, ſhall have full power and authority, from time to time, to nominate and aſſign other in their places, to ſupply the ſaid number of two and thirty perſons: and that the ſaid two and thirty perſons, ſo nominate, as is aforeſaid, at all times from time to time, during the ſaid three years, ſhall have full power and authority to aſſemble themſelves by his Highneſs commandment, for the perfect collection, compiling and ordering of the ſaid Laws. And be it alſo enacted by the authority aforeſaid, that ſuch Laws Eccleſiaſtical ſo compiled, gathered and ordered by the ſaid thirty two perſons, or the more number of them, and ſet forth, publiſhed and declared by the Kings Majeſties Proclamations, with the ſaid advice, under his Highneſs great Seal, ſhall by virtue of this preſent Act be only taken, reputed, practiſed, and put in ure for the Kings Eccleſiaſtical Laws of this Realm, and no other; any Law, Statute, uſage or preſcription to the contrary thereof notwithſtanding. †

II. Provided always, and it is ordained and enacted by the authority aforeſaid, that no manner of perſon or perſons, ſhall at any time hereafter incur, or be in contempt, pain, forfeiture or loſs, or in danger of any Action, or Suit of Præmunire, by mean or occaſion of executing, or putting in exerciſe of any Laws or matter, which ſhall be deviſed by the ſaid two and thirty perſons, or the more part of them, and ſet forth by Proclamation under the great Seal of England, or for holding of any manner of Plea, or making of any proceſs, touching or concerning any ſuch Laws or matter; any Statute, Law or Cuſtom to the contrary in any wiſe notwithſtanding.

The King's Prohibitions, *&c.* ſhall be obey'd in Eccleſiaſtical Courts, as before.

III. Provided alſo, and be it enacted by the authority aboveſaid, that all and every Eccleſiaſtical Judge and Miniſter, that ſhall execute any thing by virtue of any ſuch Laws ſo to be ſet forth, as is aboveſaid, ſhall from time to time obey the Kings Writ and Writs of Prohibition or Attachment, upon Prohibition and Indicavit, and not to proceed contrary to the tenor of ſuch

Quapropter de prudentia, ſcientia, & diligentia veſtris plurimum confidentes, de ſententia conſilii, nominavimus, & deputavimus vos commiſſarios noſtros, & vobis autoritatem per præſentes impertimus, ut loco, & tempore congruis, & opportunis, celeritate conveniente, quâ poteritis maximâ, inſimul conveniatis, curſumque legum eccleſiaſticarum, infra regnum noſtrum in uſu exiſtentium, aut antehac uti ſolitarum, diligenter perlegatis, conſideretis, & ponderetis, eoque facto, illarum loco & vice, collectionem, compilationem, & ordinem talium legum eccleſiaſticarum inveniatis, faciatis, & in ſcripta redigi faciatis, quales in uſu eſſe, practicari, & in quibuſcunque curiis, & juriſdictionibus noſtris eccleſiaſticis, infra iſtud regnum noſtrum, & alia noſtra dominia, proponi & publicari, de ſcientia, ſapientia, & judicio veſtris maximè expediens fore putaveritis. Habentes conſiderationem, & reſpectum debitum, ad tenorem ſtatuti prædicti, pro præſervatione legum noſtrarum communium, in ſuo vigore remanentium, & pro omnibus aliis articulis & ramis dicti ſtatuti. Et quamprimum leges prædictæ per vos adinventæ, formatæ, deſcriptæ, & compilatæ fuerint, eaſdem ſtatim nobis exhiberi, & in ſcriptis tradi volumus, ut eas de conſilii noſtri ſententia, de reſiduo triginta duorum, una vobiſcum, pro ulteriore legum prædictarum eccleſiaſticarum ratificatione, & perfectione, tanquam commiſſariorum noſtrorum, juxta formam ſtatuti prædicti, conjunctim nominandorum, traſmittamus.

Et quamvis vos eâ modeſtiâ, & ſapientiâ præditos eſſe ſcimus, quòd onus iſtud humeris veſtris commiſſum, & impoſitum, haud parvi eſſe momenti, & ponderis æſtimabitis: conſiderantes tamen, quòd propoſitum noſtrum non eſt aliud, quàm præparationis cujuſdam gratiâ iſtud à vobis effectum reddi: ita quòd major numerus ad conſultationem, & perfectionem ejuſdem, magis certò & ordinatè procedere valeat: certiores vos eſſe volumus, quòd actiones, & ſtudia veſtra in hac parte, cum erunt nobis gratiſſima, tum etiam benigniſſima, & maximè favorabili interpretatione accepta.

Et præterea volumus, quòd ſtatim poſt receptionem præſentium unà conveniatis, & hac in re, celeritate & expeditione ea utamini, quam cauſa expoſcit: Mandantes & ſtrictè præcipientes omnibus & ſingulis perſonis, quarum conſilio, ſententia, & ope, in hac parte, vos opus habebitis, quòd illi per vos requiſiti opem præſtent, conſulant, & juvent, quemadmodum nobis placere cupiunt. In cujus rei teſtimonium, has literas noſtras fieri fecimus patentes. Teſte me ipſo apud Weſtm. *xi. die Novemb. Anno Regni Regis quinto.*

MARTON.

Per ipſum Regem, & de data prædicta,
authoritate Parlamenti.

The Method taken for carrying on this Work, and the Progreſs made in it, on the foot of *Hen.* 8's Scheme, are thus ſet forth in the Preface to the *Reformatio Legum*, as now printed: *Nec longum erat, quin Regis voluntati ſatisfactum ſit. Res enim, tanquam penſum, in varias diſtributa Operas, fœlicitate non minori, quàm celeritate, confecta eſt, hoc obſervato ordine: ut duo hi & triginta in* quatuor *Claſſes æquâ proportione ita dividerentur, ut in ſingulis octonariis duo Epiſcopi, duo item Theologi, rurſuſque duo Juris utriuſque, ſimiliter & Communis Juris, Conſulti totidem continerentur. Inter quos ſic denique conventum eſt, ut quod in ſingulis Claſſibus concluſum & definitum eſſet, id per reliquas Claſſes conſiderandum atque inſpiciendum tranſmitteretur. Quanquam verò, ex hoc ipſo omni numero, octo potiſſimùm ſelecta fuerunt Capita, quibus prima Operis præformatio, quaſique Materiæ præparatio committebatur; quorum nomina, Regis in Edovardi Epiſtolâ comprehenſa, videre liceat.* †—*Summæ negotii præfuit* Tho. Cranmerus *Archiepiſcopus Cantuarienſis. Orationis lumen & ſplendorem addidit* Gualterus Haddonus, *vir diſertus, & in hac ipſa Juris facultate non imperitus. Quin nec ſatis ſcio, an* Joannis Checi, *viri ſingularis, eidem negotio adjutrix adfuerit manus. Quo factum eſt, ut cultiori ſtylo concinnatæ ſint iſtæ Leges, quàm pro communi cæterarum Legum more.*—*Nec dubium, quin* Parliamentari *Authoritate Sanctiones iſtæ conſtabilitæ, atque in publicum uſum conſecratæ fuiſſent, ſi vita Regi paulò longior ſuppetiſſet.*

Pref. Ref. Leg. p. *penult.*

† Vid. pag. præced.

† This Deſign of a *Body of Eccleſiaſtical Laws*, having been defeated by the Death of King *Edward* VI, reſted until the Year 1562, when it was propoſed in Convocation, to move her Majeſty, that *certain learned Men, Biſhops and others, might be appointed to ſet down Eccleſiaſtical Orders and Rules in all Eccleſiaſtical Matters for the good Government of the Church of* England, *as ſhould by them be thought moſt meet: And the ſame in this preſent Seſſion of Parliament, whatſoever they ſhall order or ſet down within one Year next, to be effectual, and for Law confirmed by Act of Parliament, at or in this Seſſion.*

tr. Ref. p. 297.

Afterwards, by the Endeavours of Archbiſhop *Parker*, it was ſet a-foot in the Parliament of the 13 *Eliz.* and by a leading Member recommended to the conſideration of the Houſe of Commons; but, after that, we hear no more of it.

D'Ewes, p. 167.

Preparatory to the gaining a Parliamentary Eſtabliſhment at that time, Care was taken to have the whole Work publiſhed, as we now ſee it, by *John Fox*; the Concluſion of whoſe Preface plainly intimates the main Deſign of the Publication: *Optandum, quod per præmaturam mortem Regis illius, negatum eſt Eccleſiæ fœlicitati, per fœliciora tempora Sereniſſimæ Reginæ noſtræ Elizabethæ ſuppleatur, accedente publicâ hujus nunc Parliamenti auctoritate.*

Lond. 1571.

Reviews of the antient Canons, and Conſtitutions, in order to a new Body of Eccleſiaſtical Laws.

Writ or Writs, in ſuch and the ſame manner, form and condition, as they have, or ought to have done before the making of this Act, any thing in this Act to the contrary in any wiſe notwithſtanding.

The thirty two Perſons, and the King, ſhall not ſet forth any Law contrary to the Laws of the Land.

IV. Provided always, and be it enacted by the authority aforeſaid, that this Act or any thing therein contained, ſhall not extend, or be interpreted, to give any authority to the ſaid two and thirty perſons, or the more number of them, or to the Kings Highneſs, for to compile, ſtabliſh, publiſh, or ſet forth any Eccleſiaſtical Laws repugnant, or contrary to the Common Law or Statute of this Realm, any thing in this Act to the contrary notwithſtanding.

CAP. IV.

The PUBLISHING *and* READING *of Conſtitutions and Canons.*

A.D 1286. 52 *H.* 3.

OTHOBON.

Summarium.

Archiepiſcopi & Epiſcopi cuſtodiæ gregis ſui vigilanter ſuperintendentes, & circa reformationem ejus ſoliciti, Conſtitutiones Sanctorum contra pravos mores latas faciant obſervari, & hujus Concilii Conſtitutiones ſinguli Prælati in ſcriptis habentes, quotannis in Synodis ſuis faciant perlegi.

The Publiſhing and Reading of Conſtitutions and Canons.

Othob. Edit. Oxon. p. 140.

It being a matter of great importance, to preſerve the Honour of the Church,

Archbiſhops and Biſhops ſhall endeavour it, by a diligent execution of former Laws,

—and of the preſent Conſtitutions;

—Copies of which ſhall be procured, and yearly read.

HOnoris Eccleſiaſtici conſervatio, Catholicæ Fidei unitatem & meritum præbens & augens, gratiam & pacem perquirit à Domino Populis Chriſtianis, & apud miſericordem Patrem pro Sanctæ Matris Eccleſiæ reverentia placabilia & exauditione digna facit Vota Juſtorum. Ex diverſis verò diverſa & contraria proſus eveniunt, ut fidem & unitatem ſcindant, conculcata Religio iram & indignationem Omnipotentis effundat ſuper Populum exlegem, per ſua deſideria inordinata naufragantem, & inexorabilem reddat miſericordis Domini pietatem. Proinde ad ſervanda hujuſmodi, poſitos à Domino ſuper cuſtodias Gregis ſui, Archiepiſcopos & Epiſcopos ſalubriter Excitamus, & eis in virtute ſanctæ obedientiæ diſtrictè Præcipimus, ut ad Eccleſiarum & Eccleſiaſticarum perſonarum tuitionem ſeu cuſtodiam ſollicitè invigilent, & intendant circa reformationem ipſarum, Paſtoralem curam & operam ac intentam diligentiam apponentes, per quæ Eccleſiæ & Eccleſiaſticæ perſonæ plurimum ad reſtaurationem & conſervationem poterunt adjuvari. Contra eos verò, qui in his eorum Juriſdictionem & Opus impedire tentaverint, Sanctorum Patrum, *Romanorum* Pontificum, & noſtras Conſtitutiones contra talia promulgatas, obſervent, & faciant obſervari, ſub pœnis quæ in his Conſtitutionibus exprimuntur. Nè autem ignorantia Conſtitutionum ipſarum ab earum obſervantia quenquam poſſit avertere, Præcipimus univerſis Archiepiſcopis, & Epiſcopis, Abbatibus, & Prioribus exemptis, necnon & Cathedralium Eccleſiarum Capitulis, ut omnia Statuta hæc, quæ in hoc noſtro Concilio ſunt promulgata, in ſcriptis habeant, & ipſi Archiepiſcopi & Epiſcopi eadem in Synodis ſuis, *kk* annis ſingulis, de verbo ad verbum, perlegi faciant diligenter.

kk Annis ſingulis.] *Ex ſuperabundanti hoc fit; de jure ſufficeret Notitia poſt Publicationem unicam, unà cum fluxu* *duorum menſium *à tempore publicationis hujuſmodi, ad arctandum quemcunque Subditum.* J. de Athon.

* *Hoc tempus eſt regulare ad arctationem Novæ Conſtitutionis.*

A.D 1342. 16 *E.* 3.

JOHANNES STRATFORD.

Conſtitutiones hujuſmodi diligenter obſervandæ, & fideliter publicandæ ſunt.

Lyndw. Edit. Oxon. p. 18.

The Conſtitutions of Archbiſhop *Stratford* ſhall be obſerved, and, in order thereunto, Publiſhed.

HUjus autem Concilii Conſtitutiones & proviſa remedia præcipimus in noſtra Provincia Cantuarienſi futuris temporibus inviolabiliter obſervari; mandantes noſtris Coepiſcopis & Suffraganeis univerſis, ut ipſas Conſtitutiones per ſe vel per alios (*l* ut jus exigit) publicent, & *m* faciant publicari, ac in publicam notionem deduci, ad utilitatem communem, laudem & gloriam nominis Jeſu Chriſti.

Diſt. 18. c. 17. Decernimus, è Conc. Tolet.

l Ut Jus exigit.] *Videlicet, infra ſex menſium ſpatium ad minus, poſt Concilium Provinciale finitum.* Lyndw.

"Decernimus, ut dum in qualibet Provinciâ *Concilium* "agitatur, unuſquiſq; Epiſcoporum, admonitionibus ſuis, "intra ſex menſium ſpatia, omnes Abbates, Presbyteros, "Diaconos, atque Clericos, ſeu etiam omnem Conventum "Civitatis ipſius, ubi præeſſe dignoſcitur, necnon & cunc-"tam Diœceſis ſuæ plebem, aggregare nequaquam more-"tur; quatenùs coram eis pleniſſimè omnia referat, quæ "eodem anno in *Concilio* acta vel definita eſſe noſcuntur. "Quod ſi quiſpiam hæc parvi pendenda crediderit, Senten-"tiâ *Excommunicationis* duorum menſium curriculo perſiſtat "uſquequaque multatus.

Si tamen infra tempus prædictum Metropolitanus Conſtitutiones per ipſum editas mandet publicari, tunc hæc Publicatio fieri debet ſecundùm formam Mandati, cui parendum eſt. Lyndw.

m Faciant publicari.] *Per ſuos ſcil. Officiales, Archidiaconos, & alios Judices, eis inferiores & ſubditos.* Lyndw.

The Publiſhing and Reading of Conſtitutions, and Canons.

CANONS 1603.

In the King's Letters Patents for Confirming them.

1 Jac. 1.

Canons of 1603 ſhall be read in Churches, once a year.

—— And that likewiſe, for the better Obſervation of them, every Miniſter, by what name or title ſoever he be called, ſhall in the Pariſh-Church or Chapel, where he hath Charge, Read all the ſaid Canons, Orders, Ordinances, and Conſtitutions, once every year, upon ſome Sundays or Holydays, in the afternoon, before Divine Service, dividing the ſame in ſuch ſort, as that the one half may be read one day, and the other another day. ——

CAP. V.

AUTHORITY *of the Canons of* 1603, *and* 1640.

CANONS, 1603.

Title to the Canons of 1603.

1 Jac. 1.

The authority by which the Canons of 1603 were made.

Authority of the Canons of 1603, and 1640.

Conſtitutions and Canons Eccleſiaſtical, Treated upon by the Biſhop of London, *Preſident of the Convocation for the Province of* Canterbury, *and the reſt of the Biſhops and Clergy of the ſaid Province*; *and agreed upon with the King's Majeſty's Licence in their Synod begun at* London, Anno Dom. 1603. *and in the year of the Reign of our Soveraign Lord* JAMES *by the Grace of God, King of* England, France, *and* Ireland, *the Firſt, and of* Scotland *the Thirty ſeventh.*

CANONS 1603.

The King's Letters Patents, confirming the Canons.

1 Jac. 1.

The Convocation was Summoned to meet by the Royal Writ,

—and the Biſhop of *London* conſtituted Preſident (by a ſecond Writ) upon the Death of the Archbiſhop of *Canterbury.*

The King granted Licence to the Convocation, to treat and agree of Canons,

—for the Peace and good Government of the Church of *England*,

JAMES by the Grace of God, King of *England, Scotland, France* and *Ireland*, Defender of the Faith, *&c.* To all to whom theſe Preſents ſhall come, Greeting. Whereas our Biſhops, Deans of our Cathedral Churches, Archdeacons, Chapters and Colleges, and the other Clergy of every Dioceſs within the Province of *Canterbury*, being ſummon'd and called by Virtue of our Writ directed to the moſt Reverend Father in God, *John*, late Archbiſhop of *Canterbury*, and bearing Date the 31. day of *January*, in the Firſt Year of our Reign of *England, France* and *Ireland*, and of *Scotland* the 37, to have appeared before him in our Cathedral Church of St. *Paul* in *London*, the 20*th* Day of *March* then next enſuing, or elſewhere, as he ſhould have thought it moſt convenient, to treat, conſent, and conclude upon certain difficult and urgent Affairs mentioned in the ſaid Writ, did thereupon at the time appointed, and within the Cathedral Church of St. *Paul* aforeſaid, aſſemble themſelves, and appear in Convocation for that purpoſe, according to Our ſaid Writ, before the Right Reverend Father in God, *Richard*, Biſhop of *London*, duly, (upon a ſecond Writ of Ours dated the 9*th* Day of *March* aforeſaid) authorized, appointed and conſtituted, by reaſon of the ſaid Archbiſhop of *Canterbury* his Death, Preſident of the ſaid Convocation, to execute thoſe things which by Virtue of our firſt Writ did appertain to him the ſaid Archbiſhop to have executed if he had lived: *We*, for divers urgent and weighty Cauſes and Conſiderations Us thereunto eſpecially moving, of Our eſpecial Grace, certain Knowledge, and meer Motion, did by Virtue of our Prerogative Royal, and Supreme Authority in Cauſes Eccleſiaſtical, give and grant by our ſeveral Letters Patents under our Great Seal of *England*, the one dated the 12*th* Day of *April* laſt paſt, and the other the 25*th* Day of *June* then next following, full free and lawful Liberty, Licence, Power and Authority unto the ſaid Biſhop of *London*, Preſident of the ſaid Convocation, and to the other Biſhops, Deans, Archdeacons, Chapters and Colleges, and the reſt of the Clergy before-mentioned of the ſaid Province, that they from time to time, during Our firſt Parliament now Prorogued, might confer, treat, debate, conſider, conſult and agree of and upon ſuch Canons, Orders, Ordinances and Conſtitutions, as they ſhall think neceſſary, fit and convenient for the Honour and Service of Almighty God, the good and quiet of the Church, and the better Government thereof, to be from time to time obſerved, performed, fulfilled, and kept, as well by the Archbiſhops of *Canterbury*, the Biſhops and their Succeſſors, and the reſt of the whole Clergy of the ſaid

Authority of the Canons of 1603, and 1640.

Province of *Canterbury* in their ſeveral Callings, Offices, Functions, Miniſteries, Degrees and Adminiſtrations, as alſo by all and every Dean of the Arches, and other Judge of the ſaid Archbiſhop's Courts, Guardians of Spiritualties, Chancellors, Deans and Chapters, Archdeacons, Commiſſaries, Officials, Regiſters, and all and every other Eccleſiaſtical Officers, and their inferiour Miniſters whatſoever, of the ſame Province of *Canterbury*, in their and every of their diſtinct Courts, and in the order and manner of their and every of their Proceedings: And by all other Perſons within this Realm, as far as lawfully, being Members of the Church, it may concern them; as in our ſaid Letters Patents among other Clauſes more at large doth appear: Foraſmuch as the Biſhop of *London*, Preſident of the ſaid Convocation, and others the ſaid Biſhops, Deans, Archdeacons, Chapters and Colleges, with the reſt of the Clergy, having met together at the time and place before mentioned, and then and there by Virtue of Our ſaid Authority granted unto them, treated of, concluded, and agreed upon certain Canons, Orders, Ordinances and Conſtitutions, to the end and purpoſe by Us limited and preſcribed unto them; and have thereupon offered and preſented the ſame unto Us, moſt humbly deſiring Us to give our Royal Aſſent unto their ſaid Canons, Orders, Ordinances, and Conſtitutions, according to the Form of a certain Statute or Act of Parliament made in that behalf, in the 25*th* Year of the Reign of King *Henry* the Eighth, and by our ſaid Prerogative Royal and Supreme Authority in Cauſes Eccleſiaſtical, to ratifie by Our Letters Patents under Our Great Seal of *England*, and to confirm the ſame; the Title and Tenour of them being, word for word, as enſueth,

—to be obſerved by Archbiſhops, Biſhops, and their Subordinate Miniſters,

—and by all other Perſons, as Members of the Church.

The Convocation, having agreed upon the Canons, preſented them to the King to be Ratified.

[Note, *The ſeveral* Canons *are inſerted in their proper Places, according to the* matter *of each Canon.*]

WE of our Princely inclination, and Royal care for the maintenance of the preſent Eſtate and Government of the Church of *England*, by the Laws of this Realm now ſettled and eſtabliſhed, having diligently, with great contentment and comfort, read and conſidered of all theſe their ſaid Canons, Orders, Ordinances, and Conſtitutions, agreed upon, as is before expreſſed; and finding the ſame ſuch, as We are perſwaded will be very profitable, not only to our Clergy, but to the whole Church of this our Kingdom, and to all the true Members of it, (if they be well obſerved:) Have therefore for Us, [n] Our Heirs and lawful Succeſſors, of our ſpecial Grace, certain Knowledge, and meer Motion, given, and by theſe preſents do give Our Royal Aſſent, according to the form of the ſaid Statute or Act of Parliament aforeſaid, to all and every of the ſaid Canons, Orders, Ordinances and Conſtitutions, and to all and every thing in them contained, as they are before written.

The Ratification. The King having read, and conſidered, and approved the ſaid Canons, gives his Royal aſſent to them,

—according to the Stat. 25 *H.* 8. c. 19.

And furthermore, We do not only by our ſaid Prerogative Royal, and ſupreme Authority in Cauſes Eccleſiaſtical, [o] ratifie, confirm, and eſtabliſh by theſe our Letters Patents, the ſaid Canons, Orders, Ordinances and Conſtitutions, and all and every thing in them contained, as is aforeſaid; but do likewiſe propound, publiſh, and ſtraightway enjoyn and command by our ſaid Authority, and by theſe our Letters Patents, the ſame to be diligently obſerved, executed, and equally kept by all our loving Subjects of this our Kingdom, both within the Province of *Canterbury* and *York*, in all points wherein they do or may concern every or any of them, according to this our Will and Pleaſure hereby ſignified and expreſſed: And that likewiſe for the better obſervation of them, every Miniſter, by what Name or Title ſoever he be called, ſhall in the Pariſh Church or Chapel where he hath charge, read all the ſaid Canons, Orders, Ordinances and Conſtitutions

—and moreover, requires all Perſons whatſoever, to obſerve and execute them,

—and all Miniſters to read them in the Church once every year;

[n] **Our Heirs and lawful Succeſſors.**] The Canons and Conſtitutions which were made and publiſhed in the Reign of Queen *Elizabeth*, were Confirmed only during the *Life* of the Queen; and that was the reaſon why, upon her Death, they proceeded with ſo much Expedition to the compiling of the preſent Canons; which are taken, in the main, out of the Injunctions and Canons that had been made in the three foregoing Proteſtant Reigns.

2 Lev. 222.

[o] **Ratify, Confirm.**] In the 30th of *Charles* II. Conſultation was granted in the Kings-Bench, againſt one who taught School without Licence, in contempt of the *Canons:* And the reaſon given by the Court, was, "That the Canons made in the time of King *James* I. and by him "Confirmed, are good by the Statute 25 *H.* 8. ſo long as "they do not impugn the Common Law, or the Prerogative Royal." And, by *Vaughan*, upon the Canon which relates to the Degrees of Marriage, it is ſaid as follows: "If by a *lawful Canon*, a Marriage be declared to be againſt God's Law, we muſt *admit* it to be ſo; for a lawful Canon is the Law of the Kingdom, as well as an Act "of Parliament; And, Whatever is the Law of the Kingdom, is as *much* the Law, as any thing elſe that is ſo; "for, what is Law, doth not *ſuſcipere magis aut minus.*

Vaugh. 327.

In the caſe of a Prohibition, moved for againſt a Libel in the Spiritual Court, for not coming to the Pariſh Church on Sundays, and in reference to the Authorities produced from the Canon-Laws againſt the Prohibition, *Holt* ſaid, If there be any ancient Canon for it, and received here before 1603, I will agree, that the Spiritual Court hath Juriſdiction in virtue thereof; but if not, no Canon ſince, though in full Convocation, can *proprio vigore* bind Laymen. Which laſt Words ſeem to imply his Opinion at leaſt, that thoſe of 1603 do not bind Laymen.

Mod. Caſ. V. 1. p. 190.

In the Caſe of *Matthews* and *Burdett* (1 *Annæ*, in the Court of King's Bench) it was ſaid, I ſuppoſe by the Court, That if the King and Clergy make a Canon, it binds the Clergy *in re Eccleſiaſticâ*, but it does not bind Laymen; they are not repreſented; their Conſent is neither asked nor given — And, in ſupport of this Concluſion, It was obſerved, "That in the primitive Church, the Laity were preſent at all Synods: When the Emperors became Chriſtian, no Canon was made without the Emperor's Conſent: The Emperor's Conſent included that of the People, he having in himſelf the whole Legiſlative Power, which our Kings have not.

2 Salk. p. 412.

Quære.

once every year, upon ſome Sundays or Holydays, in the afternoon, before Divine Service; dividing the ſame in ſuch ſort, as that the one half may be read one day, and the other another day: The Book of the ſaid Canons to be provided at the charge of the Pariſh betwixt this and the Feaſt of the Nativity of our Lord God next enſuing. Straitly charging and commanding all Archbiſhops, Biſhops, and all other that exerciſe any Eccleſiaſtical Juriſdiction within this Realm, every man in his place, to ſee and procure (ſo much as in them lieth) all and every of the ſame Canons, Orders, Ordinances and Conſtitutions, to be in all points duly obſerved; not ſparing to execute the Penalties in them ſeverally mentioned, upon any that ſhall wittingly or wilfully break, or neglect to obſerve the ſame, as they tender the Honour of God, the Peace of the Church, the Tranquillity of the Kingdom, and their Duties and Service to Us their King and Sovereign.

— the Book to be provided at the Charge of the Pariſh.

The Governours of the Church ſhall diligently execute the Penalties, mentioned in the Canons.

13 Car. II. Cap. 12.

A.D. 1661.

In an Act, Entituled, *An Act for the Explanation of a Clauſe contained in an Act* 17 Car. I. —— *concerning Commiſſioners for Cauſes Eccleſiaſtical.*

Stat. 13 *Car.* 2. c. 12. ſhall give no new Juriſdiction,

— nor abridge the Supremacy,

— nor confirm the Canons of 1640.

— nor any other Canons before, not confirmed.

V. Provided always, That this Act, or any thing therein contained, ſhall not extend or be conſtrued to extend, to give unto any Archbiſhop, Biſhop, or any other Eccleſiaſtical Judge, Officer, or other perſon or perſons aforeſaid, any power or authority to exerciſe, execute, inflict, or determine any Eccleſiaſtical Juriſdiction, Cenſure or Coercion, which they might not by Law have done before the year of our Lord 1639, nor to abridge or diminiſh the Kings Majeſties Supremacy in Eccleſiaſtical matters and affairs, nor to confirm the [p] Canons made in the year 1640, nor any of them, nor any other Eccleſiaſtical Laws or Canons not formerly confirmed, allowed, or enacted by Parliament, or by the eſtabliſhed Laws of the Land, as they ſtood in the year of our Lord 1639.

Seſſ. 53, 63.

[p] **Canons made in the year 1640.**] Theſe Canons were Confirmed by the King, *Jun.* 30. in the 16th year of his Reign, and may be ſeen at large in the printed Collection of Articles, Injunctions, *&c.* Several of them are of ſuch a nature, as could give no reaſonable offence to the Temporal Legiſlature; relating only to the Diſcipline of the Church and Clergy, and the Regulation of the Eccleſiaſtical Courts. But others there are, which concern the *Regal Power*, the *Civil Eſtabliſhment of the Church of England*, the *State of Popery and Presbytery*, and the like; and of theſe, the Reſolution of the two Houſes in the next Parliament is to be underſtood, "That they contain in them "many matters contrary to the King's *Prerogative*, to the "Fundamental *Laws* and *Liberties* of the Realm, to the "Right of *Parliaments*, to the Property and Liberty of the "Subjects, and Matters tending to *Sedition*, and of a dan"gerous conſequence." And we cannot doubt, but that it was with an eye to the ſame Heads, that the Parliament, under K. *Charles* II, in framing the *preſent* Clauſe, guarded ſo diligently againſt the ſuſpicion of giving Credit or Authority to the ſaid Canons of 1640.

Ruſh. V. 4. 112.

In the Convocation of 1661, Debate was had *de & ſuper Reviſione* Canonum *ſive* Conſtitutionum *in anno Domini* 1640 *edit'*; *quinam eorundem fuerunt aut ſunt debitè & idoneè obſervandi & uſitandi:* but we find not, that any further Progreſs was made in that Deſign, than the referring it, at two ſeveral times, to two Committees of Biſhops.

Seſſ. 5

TIT.

TIT. XLII.

VISITATION, GENERAL and PAROCHIAL; and of PRESENTMENTS, and PROCURATIONS.

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CAP. I.

General DUTY *and* ENDS *of Viſitation.*

A.D 1237. 22 *H.* 3. *Otho.* Edit. Oxon. p. 56.

OTHO.

In Conſt. *De Officio Archiepiſcoporum & Epiſcoporum.*

General Duty and Ends of Viſitation.

Peckh. 91, b. 92, a. 192, a. 219, a. 2 Arund. 83, b. Reyn. 196, a. Courtn. 86, a. 125, a. 128, b. Reyn. 214. b. Laud. 215, a.

CIRCUMEANT prætereà *a* Diœceſes ſuas temporibus opportunis, *b* corrigendo & reformando Eccleſias, & Conſecrando, & Verbum Vitæ ſeminando in Agro Dominico.

Archbiſhops and Biſhops ſhall Viſit duly.

a Diœceſes.] *In Viſitatione Diœceſanâ, tenetur Epiſcopus primùm viſitare Eccleſiam Cathedralem, deinde Diœceſin: In Metropolitanâ, tenetur Archiepiſcopus ſuam primùm Eccleſiam & Diœceſin viſitare; deinde in ſingulis Diœceſibus ab Eccleſiâ Cathedrali incipere, indéque pro libitu ad reliquas Diœceſeos partes tranſire. Id abundè conſtat ex Archivis noſtris Eccleſiaſticis, in quibus reperiuntur varia Exempla, tum Diſpenſationum Papalium, ut Archiepiſcopus poſſit viſitare, ordine non ſervato; tum Licentiarum Epiſcopalium, ut Diœceſin viſitans alibi incipere poſſit, quàm in Eccleſiâ Cathedrali.*

Sext. Decretal. l. 3. t. 20. c. 1.

Quæ quidem Exempla orta ſunt ex præcepto Juris Canonici, ut ſequitur. Statuimus ut quilibet *Archiepiſcopus* ſuam volens viſitare Provinciam, priùs *Eccleſiæ ſuæ* Capitulum, ac Civitatem, & Diœceſin propriam, plenè viſitare procuret; *Nec ſit ſolùm erga majorum, ſed etiam minorum Eccleſiarum; nec circa Clericorum tantùm, ſed etiam populorum viſitationem intentus: Et ſi commodè, vel abſque difficultate accedere ad unamquamque non poterit, de pluribus locis ad unum congruum Clericos, & Laicos ſtudeat convocare, ne in illis viſitatio poſtponatur.*

Deinde liceat ei per totam provinciam, vel ejus partem viſitationis officium exercere; civitates, & diæceſes, ſuffraganeos ſuos, & eorum ſubditos; cathedralium, & aliarum Eccleſiarum Capitula, & monaſteria; Eccleſias, & alia religioſa, & pia loca; Cleros, & populos liberè viſitando ac procurationes à locis tantum recipere viſitatis.

Ex quo tamen aliquam de ipſis diæceſibus viſitare cœperit, nunquam poſtea ſive totam, ſive partem ejus viſitaverit, revertatur cauſâ viſitationis ad illam, priuſquam omnes reliquæ ipſius provinciæ diæceſis in toto, vel in parte (quas ſecurè viſitare poterit) & ſuæ denuo fuerint viſitatæ. Quòd ſi fortè eadem diæceſis, vel aliqua ibi Eccleſia plùs aliis indiguerit viſitari: tunc aliarum viſitatione intermiſſâ, redeat ad eandem, ſi à loci diæceſano requiſitus extiterit, vel de omnium, aut majoris partis Epiſcoporum ejuſdem provinciæ proceſſerit conſilio, & aſſenſu: ad quod iidem ſe pronos exhibeant, ne animarum profectus aliquatenus negligatur. Si verò malitioſè in his difficultatem adhibuerint, Archiepiſcopus licentiam ſuper hoc à ſede Apoſtolica poſtulet confidenter.

Poſtquam autem ſemel omnes provinciæ ſuæ diæceſes viſitaverit, licitum ſit ei poſtea (priùs tamen Suffraganeorum ſuorum requiſito conſilio, & ipſius diffinitione ſuper hoc habitâ coram eis, quæ in ſcriptis redigi volumus, ut poſſint aliis eſſe nota) viſitationem per eandem reiterare provinciam juxta modum ſuperius adnotatum, etiamſi non interveniat in hoc ſuffraganeorum ipſorum aſſenſus: illam ſemper providentiam adhibendo, ut in poſterioribus viſitationibus, illas Eccleſias eoſque Cleros, & populos priùs viſitet, qui non fuerant ab eo in prioribus viſitati: niſi magis ſit aliis viſitationis officium *opportunum. Et poſteâ*; Hanc autem viſitandi formam ab univerſis etiam *Epiſcopis*, aliiſque Prælatis, Ordinario jure ſuos ſubjectos viſitantibus, plenè obſervari præcipimus.

6 Decretal. l. 3. t. 20. c. 5.

Poſteà etiam cap. 5. *Perpetuo declaramus edicto Archiepiſcopum poſſe ſecundùm tenorem conſtitutionis felicis recordationis Innocentii Papæ quarti prædeceſſoris noſtri ſuper hoc editæ, ſuam provinciam viſitare liberè, licèt non ſint ejus Suffraganei negligentes, & iterare viſitationem eandem, ac procurationes à locis recipere viſitatis: Conſuetudine (ſi qua forſan ab ipſis Suffraganeis, vel ab aliis allegetur) præmiſſis contrariâ non obſtante.*

b Corrigendo & Reformando.] *Correctio dicitur quoad* Exceſſus, *Reformatio quoad* Mores. J. de Athon.

General Duty, and Ends of Viſitation.

CANONS 1603.

1 Jac. 1.

lx. *Confirmation to be performed once in three years.*

Confirmation of Children, being of ancient uſe in the Church,
— ſhall be performed in the Biſhop's triennial Viſitation,
— or the next year after.

FOraſmuch as it hath been a Solemn, ancient, and laudable Cuſtom in the Church of God, continued from the Apoſtles times, that all Biſhops ſhould lay their Hands upon Children Baptized and Inſtructed in the Catechiſm of Chriſtian Religion, praying over them, and bleſſing them, which we commonly call Confirmation; and that this Holy Action hath been accuſtomed in the Church in former Ages, to be performed in the Biſhops Viſitation *c* every third Year: We will and appoint, that every Biſhop or his Suffragan, in his accuſtomed Viſitation, do in his own Perſon carefully obſerve the ſaid Cuſtom. And if in that Year, by reaſon of ſome Infirmity, he be not able perſonally to Viſit, then he ſhall not omit the Execution of that Duty of Confirmation the next Year after; as he may conveniently.

Cauſ. 10. q. 1. c. 10.
c. 11.
Spel. V. 1. 246.
Ibid. 293.

c **Every third year.**] The ancient Law of Viſitations, was, *once a year: Decernimus, ut antiquæ Conſuetudinis ordo ſervetur*, & annuis vicibus *ab Epiſcopo Diœceſes viſitentur*. And, *Epiſcopum per cunctas Diœceſes, Parochiaſque ſuas, per ſingulos annos ire oportet.* The ſame was the Law, particularly of the *Engliſh* Church: In the Council of *Cloveſhoe, Ann.* 747. *Unuſquiſque Epiſcopus Parochiam ſuam pertranſeundo & circumeundo, ſpeculandoque, viſitare non præſideat* [l. ceſſet.] And, afterwards, *Ann.* 787. *Unuſquiſque Epiſcopus Parochiam ſuam* omni anno *ſemel circumeat.*

Sext. Decr. l. 3. t. 20. c. 1.

But it is to be noted, that theſe and the like Canons are all meant of *Parochial Viſitations*, or a perſonal repairing to every Church; as appears, not only from the aſſignment of *Procurations* (originally, in Proviſions, and afterwards in Money) for the reception of the Biſhop; but alſo by the *Indulgence* which the Law grants, in *ſpecial caſes*, where every Church cannot be conveniently repaired to: *Et ſi commodè vel abſque difficultate accedere ad* unamquamque *non poterit*; *de pluribus locis ad unum congruum Clericos & Laicos ſtudeat convocare, ne in illis Viſitatio poſtponatur.* From this Indulgence, and the great *Extent* of Dioceſes beyond what they anciently were, grew the Cuſtom of Citing Clergy and People to *attend* Viſitations at *particular* places; the *times* of which Viſitations, as they are now uſually fixed about *Eaſter* and *Michaelmas*, have evidently ſprung from the two yearly Synods of the Clergy, which the Canons of the Church required to be held by every Biſhop about thoſe two ſeaſons, to conſider of the State of the Church and Religion within the reſpective Dioceſes: an End, that is alſo anſwered by the *Preſentments* that are there made concerning the Manners of the People; as they uſed to be made to the Biſhop, at his Viſitation of every particular Church. But as to *Parochial Viſitation*, or the Inſpection into the Fabricks, Manſions, Utenſils, and Ornaments of the Church; that Care hath been long devolved upon Archdeacons; Who, at their firſt Inſtitution in the ancient Church, were only to attend the Biſhops at Ordinations, and other publick Services in the Cathedral; but, being afterwards occaſionally employed by them in the exerciſe of Juriſdiction, not only the work of *Parochial Viſitation*, but alſo the holding of General Synods or Viſitations when the Biſhop did not viſit, came by degrees to be known and eſtabliſhed Branches of the *Archidiaconal* Office, as ſuch; which, by this means, attained to the Dignity of *Ordinary*, inſtead of *Delegated* Juriſdiction.

Ref. Leg. 50, a.

By theſe degrees came on the preſent Law and Practice of *Triennial Viſitations* by Biſhops; ſo as the Biſhop is not only *not obliged*, by Law, to viſit annually, but (what is more) is *reſtrained* from it. Which Reſtraint being it ſelf *unreaſonable*, and having grown merely from the *Profits* which attend the Act of Viſiting; is thus *moderated* by the *Reformatio Legum*: "Diœceſim totam tertio quoque anno "Viſitet, & conſuetas Procurationes accipiat; ut verò *aliis* "*temporibus*, quoties viſum fuerit, Viſitet, propter novos "caſus qui incidere poſſint, ei liberum eſto; modò *ſuis* "*Impenſis* id faciat, & nova onera Stipendiorum aut Procu-"rationum ab Eccleſiis non exigat.

Winch. 154, a.
Tillotſ. 139, a.

But in the Biſhop's Triennial, as alſo in Viſitations Regal and Metropolitical, all *inferior* Juriſdictions, reſpectively, are inhibited from exerciſing Juriſdiction, during ſuch Viſitation: and we find, in the time of Archbiſhop *Winchelſey*, a Biſhop proſecuted, for exerciſing Juriſdiction, before the Relaxation of the Inhibition; and, in Archbiſhop *Tillotſon*'s time, a Biſhop ſuſpended for acting after the Inhibition. And even Matters *begun* in the Court of the inferior Ordinary (whether contentious or voluntary) *before* the Viſitation of the Superior, are to be carried on by the Authority of ſuch Superior.

1 Abb. 234, a. 290, b.
Arund. 407, b.
2 Chich. 365.
Grind. 91, 92.
1 Whitg. 249.
Teniſ. 172, a.
Laud, 167, a.
Horn, Wint. 99, b.
Read, Ciceſtr. 2, a.
Arund. 130, a. 497, b.
2 Arund. 93, b. 2.
Courtn. 105, a.
2 Chich. 283, b.
2 Abb. 242, a.
Laud, 223, a.

However, it has not been unuſual, eſpecially in Metropolitical Viſitations, to indulge the Biſhops and inferior Courts, in whole or in part, in the exerciſe of Juriſdiction, pending the Viſitation. Thus, we find Relaxations granted, *pendente Viſitatione*, by Archbiſhop Abbot; and, by others, an unlimited Leave or Commiſſion, to exerciſe Juriſdiction, or proceed in Cauſes, notwithſtanding the Viſitation; and elſewhere, a leave to conſer *Orders*, confirm, grant *Fiats* for Inſtitution, Inſtitute or Correct, while the Inhibition continued in other reſpects.

After the Relaxation of the Inhibition, and eſpecially in Metropolitical Viſitations, we find not only reſervations of Power to rectify and puniſh the *Comperta & Detecta*, but alſo *ſpecial Commiſſions* iſſued for that End.

CAP. II.

EXHIBITS *of Clergy at Viſitations.*

1 Jac. 1.

CANONS 1603.

cxxxvii. *The whole Fees for ſhewing Letters of Orders, and other Licences, due but once in every Biſhops time.*

Exhibits of the Clergy at Viſitations.

The End of the Biſhop's Viſitation, being to know his Clergy, —Miniſters, and School-maſters, ſhall exhibit Letters of Orders, Licences, &c. in the Biſhop's Primary Viſitation; —the whole Fees for which ſhall be paid at firſt; and afterwards, but half.

FOraſmuch as a chief and principal cauſe and uſe of Viſitation, is, that the Biſhop, Arch-Deacon or other aſſigned to Viſit, may get ſome good knowledge of the State, Sufficiency and Ability of the Clergy, and other Perſons whom they are to Viſit: We think it convenient, that every Parſon, Vicar, Curate, School-maſter, or other Perſon Licenſed whoſoever, do at the Biſhop's firſt Viſitation, or at the next Viſitation after his Admiſſion, ſhew and exhibit unto him his Letters of Orders, Inſtitution and Induction, and all other his Diſpenſations, Licences or Faculties whatſoever, to be cc by the ſaid Biſhop either allowed, or (if there be juſt cauſe) diſallowed and rejected: and being by him approved, to be, as the cuſtom is, ſigned by the Regiſter; and that the whole Fees accuſtomed to be paid in the Viſitations in reſpect of the Premiſſes, be paid only once in the whole time of every Biſhop, d and afterwards but half of the ſaid accuſtomed Fees, in every other Viſitation during the ſaid Biſhop's Continuance.

cc **By the ſaid Biſhop.**] None but the *Biſhop*, or other Perſon exerciſing Eccleſiaſtical Authority by Commiſſion from him, hath Right, *de jure communi*, to require theſe Exhibits of the Clergy; nor doth the *enacting* part of this Canon convey the Right to any other: And therefore, it is humbly conceived, that if any Archdeacons are entituled to require Exhibts in their Viſitations, it can only be upon the foot of *Cuſtom*: And the beginning of that, hath probably been an *Encroachment*; ſince it is very unlikely, that any Biſhop ſhould *give* the Archdeacon and his Official, a power of *allowing* or *diſallowing* ſuch Inſtruments, as have been granted by himſelf, or his Predeceſſors.

d **And afterwards.**] *Lyndwood*, ſpeaking of the Letters of Orders, &c. to be exhibited by *Stipendiary Curates* going from one Dioceſe to another, and entred in the *Matricula* of the Archdeacon, ſaith; *Unde in* aliis *Viſitationibus, ſive Scrutationibus, non oportet ipſorum literas* revideri, *nec ipſorum Nomina iterùm immatriculari, cùm jam ſatis noti & cogniti ſint.—Et ſic malè faciunt, qui in* ſingulis Viſitationibus *ſuis, pro inſpectione* Literarum Ordinum, *& earum Approbatione, quicquam recipiunt; cùm talis Immatriculatio fieri non debeat, niſi* ſemel, *ſcil. in primâ Admiſſione.*

Lyndw. De Cenſ. c. *Item licet.* v. *Prim. Admiſſ.* p. 225.

CAP. III.

The DUTY *and* RULES *of making* PRESENTMENTS, *at Viſitations.*

A.D. 1236.
21 *H.* 3.

Lyndw. Edit. Oxon. p. 277.

EDMUNDUS.

Quòd Exceſſus Clericorum per Viros ad hoc deputatos, ad Archiepiſcopum renunciari debeant.

The Duty and Rules of making Preſentments, at Viſitations.

Two or three ſhall be placed in every Deanry, to detect the Exceſſes of Biſhops and Clergy.

SInt in quolibet e Decanatu duo vel tres Viri, Deum habentes præ oculis, qui f Exceſſus publicos g Prælatorum, & h aliorum Clericorum, ad mandatum Archiepiſcopi, vel i ejus Officialis, ipſis denuncient.

e Decanatu.] *Scil. Rurali.* Lyndw.

f Exceſſus publicos.] *i. e. Notorios, de quibus magna & publica regnat Infamia.* Lyndw.

g Prælatorum.] *Scil. Epiſcoporum; qui in quantum Suffraganei ſunt, ſubjacent immediatè Archiepiſcopo & ejus Officiali, & etiam Officiales ipſorum Epiſcoporum.* Lyndw.

h Aliorum Clericorum.] *Scil. Subditorum ipſorum Suffraganeorum.* Lyndw.

i Vel ejus Officialis.] *Qui habet idem Conſiſtorium cum ipſo Archiepiſcopo, ſaltem in his quæ concernunt poteſtatem ſuam Metropoliticam.* Lyndw.

The Duty and Rules of making Preſentments, at Viſitations.

BONIFACIUS.

Laici ad præſtandum de Veritate Teſtimonium pœnâ Excommunicationis compellantur; quâ Impedientes quoque aſtringantur.

Laymen ſhall be bound by Oath to make true and faithful Preſentments.

A.D.1261. 45 *H.* 3. *Lyndw.* Edit. Oxon. p. 109.

EVenit, *& infrà.* Statuimus, quòd Laici, ubi de ſubditorum Peccatis & Exceſſibus corrigendis, per *k* Prælatos & *l* Judices Eccleſiaſticos inquiritur, ad præſtandum de Veritate dicendâ Juramentum, per Excommunicationis Sententias, ſi opus fuerit, compellantur.

k Prælatos.] *i. e. Epiſcopos, Abbates, Decanos, Archidiaconos, & hujuſmodi; ad quos, ratione Prælaturarum ſuarum, de jure vel conſuetudine præſcriptâ, aut Privilegio, talia competunt.* Lyndw.

l Judices Eccleſiaſticos.] *Scil. à ſupradictis commiſſos & deputatos.* Lyndw.

CANONS 1603.

1 Jac. 1.

XXVI. *Notorious Offenders not to be admitted to the Communion.*

Churchwardens and Sidemen, neg-

NO Miniſter ſhall in any wiſe admit to the receiving of the Holy Communion, any of his Cure or Flock which be openly known to live in ſin notorious without Repentance, nor any who have maliciouſly and openly contended with their Neighbours, until they ſhall be reconciled: Nor any *m* Church-wardens or Side-men, who having *n* taken their Oaths

Regiſtr. fol. 50. b.

Cauſ. 35. q. 6. c. 7.

m **Church-wardens or Sidemen.**] Altho' Church-wardens have for many hundred years been a Body Corporate, to take care of the *Goods, Repairs,* and *Ornaments* of the Church, as appears by the ancient Regiſter of Writs; yet this work of *Preſenting* hath been devolved on them and their Aſſiſtants, by Canons and Conſtitutions of a more *modern* date. Anciently the way was, to ſelect a certain number, at the diſcretion of the Ordinary, to give Information upon Oath, concerning the *Manners* of the People within the Diſtrict; which Number, the Rule of the *Canon Law* upon this head evidently *ſuppoſes* to have been ſelected, *while the Synod was ſitting,* and the People, as well as Clergy, in attendance there: *Epiſcopus* in Synodo reſidens, *poſt congruam* Allocutionem, *ſeptem ex plebe ipſius Parochiæ, vel eò amplius, prout viderit expedire, maturiores, honeſtiores, atque veraciores Viros, in medium debet evocare.*

Extra. l. 2. t. 21. c. 7.

But in proceſs of time, this Method was changed; and it was directed in the Citation, that *four, ſix,* or *eight,* according to the proportion of the Diſtrict, ſhould appear, together with the Clergy, to repreſent the People, and to be the *Teſtes Synodales*; as the *Canon Law* elſewhere ſtyles them. Citations of this kind appear, without number, in the Records of our Church before the Reformation; the ordinary tenor of which is, *Citetis inſuper, ſeu Citari faciatis, peremptoriè,* quatuor *vel* ſex, *&c. juxta latitudinem & amplitudinem ſingularum Parochiarum dictorum Decanatuum Parochianos, quòd ſinguli Parochiani ſingularum Parochiarum hujuſmodi compareant coram Nobis, ſuper Inquirendis ab eiſdem, Viſitationem noſtram hujuſmodi Correctionémque & Salutem Animarum concernentibus, Veritatem quam noverint* dicturi *&* depoſituri. And elſewhere a ſpecial Proviſo was added, *Quòd Laici evocandi ſint* fide digni, veridici, converſationis honeſtæ, & bonæ famæ, *ac qui ſuper conſuetis Viſitationis* Articulis *plùs noverint, velint, & auſi fuerint dicere veritatem.*

All this while, we find nothing of *Church wardens* Preſenting, but the ſtyle of the Books is, *Parochiani dicunt, Laici dicunt,* and the like; till a little before the Reformation, when the Church-wardens begin to preſent, either by themſelves, or elſe with *two, three,* or *more, Parochiani fide digni,* joined with them. And this laſt (by the way) is evidently the Original of that Office, which our Canons do here and elſewhere call the Office of *Sidemen* or *Aſſiſtants.*

Coll. Can. p. 235.

After the Preſentments of Church-wardens have gone on for many years, upon the foot of *Practice*; at length their Office, in this particular, was enforced by an expreſs *Canon* in the year 1571; where, after an Enumeration of vicious Perſons of ſeveral kinds, the ſteps directed to be taken, are theſe; "Illos *Æditui* amicè & fraternè admonebunt, ut reſipiſcant: Quod niſi fecerint, *indicabunt* eos nominatim "vel Rectori, vel Vicario, vel Parocho, ut ab illis aſperiùs "& vehementiùs admoneantur, & ſi perrexerint, tantiſper "dum redeant ad Sanitatem, à Sacrâ *Communione* arceantur. "Utque, qui incontinenter & laxè vivunt, pro meritis ſuis "Legum ſeveritate caſtigentur; iidem *Æditui* eoſdem il-"los *Adulteros, Fornicarios, Inceſtos, Ebrioſos, Juratores,* "*Lenones, Uſurarios,* in Epiſcoporum & Archidiaconorum "Viſitationibus pateſacient." Which (ſaving the *previous Admonitions* by Church-wardens and Miniſters) is much the ſame, as the 109th *Canon* of our Church.

Vid. Cap. 3. Noy, 123.

In the beginning of K. *James* the firſt's Reign, a Commiſſary had cited many Perſons of ſeveral Pariſhes to appear before him at his Viſitation; and, becauſe they appeared not, they were Excommunicated. But a Prohibition was granted, becauſe the Ordinary hath not Power to Cite any into that Court, except the *Church-wardens* and *Sidemen.* But, that any Pariſhioner *may* Preſent, ſeems to be *ſuppoſed* in the Viſitation-Articles of K. *Edward* the Sixth and Queen *Elizabeth,* where one Enquiry is, *Whether the Miniſters have given* open *Monition to their* Pariſhioners, *to detect and preſent to their Ordinary, all Adulterers, Fornicators,* &c.?

Cauſ. 35. q. 6. c. 7.

n **Taken their Oaths.**] That Ordinaries were empowered by the Laws of the Church to require an Oath of the *Teſtes Synodales,* appears, not only from the foregoing Conſtitution of Archbiſhop *Boniface,* but alſo from the Body of the *Canon-Law*; where the Proceeding of the Biſhop (after the calling *out* of the Preſenters) is thus deſcribed: "Epiſcopvs, allatis Sanctorum Pignoribus, unumquemque "illorum tali Sacramento conſtringat: *Amodò in antea, quid* "nôſti *aut* audîſti, *aut* poſtmodum inquiſiturus *es, quod con-*"*tra Dei voluntatem & rectam Chriſtianitatem in iſtâ Pa-*"*rochiâ factum ſit, aut futurum erit, ſi in diebus tuis eve-*"*nerit, tantum ut ad tuam cognitionem quocunque modo per-*"*veniat, ſi ſcis, aut tibi fuerit indicatum,* Synodalem *Cau-*"*ſam eſſe, & ad miniſterium Epiſcopi pertinere, quòd tu nec* "*propter* amorem, *nec propter* timorem, *nec propter* pretium, "*nec propter* Parentelam, *ullatenus celes Epiſcopum, aut ejus* "*Miſſum, cui hoc inquirere juſſerit, quandocunque te ex hoc* "*interrogaverit.* Sic te Deus adjuvet, *&c.*

The ſame Practice of Adminiſtring an *Oath,* appears in the Eccleſiaſtical Records of our own Church; where it is often entred, that the Preſenters were *onerati in conſcientiis,* to diſcover whatever they knew to want Amendment, *in Rebus & Perſonis*; and, in Proceſs of time, *Articles of Enquiry* were delivered to them, upon which to ground their Preſentments.

But as Conteſts grew between the two Juriſdictions, Eccleſiaſtical and Temporal; this, among other pretended Encroachments, was charged upon the Ordinaries, and Eccleſiaſtical Judges, That they inſerted divers things in their Articles of Viſitation, which were not of *Spiritual* Cogniſance; and, That by requiring an Oath from the Church-wardens to preſent *according to thoſe Articles,* they did, in conſequence, require them to take an Oath, which by Law they could not, nor ought not, to perform. Upon this foundation, the People were encouraged to apply for

[nn] to preſent to their Ordinaries all ſuch Publick Offences as they are particularly charged to enquire of in their ſeveral Pariſhes, ſhall (notwithſtanding their ſaid Oaths, and that their faithful diſcharging of them is the chief means whereby publick Sins and Offences may be reformed and puniſhed) wittingly and willingly, deſperately and irreligiouſly, incur the horrible Crime of Perjury, either in neglecting, or in refuſing to Preſent ſuch of the ſaid Enormities and Publick Offences, as they know themſelves to be committed in their ſaid Pariſhes, or are notoriouſly offenſive to the Congregation there, although they be urged by ſome of their Neighbours, or by their Miniſter, or by their Ordinary himſelf, to diſcharge their Conſciences by preſenting of them, and not to incur ſo deſperately the ſaid horrible Sin of Perjury.

lecting to make Preſentments, according to their Oaths, ſhall not be admitted to the Communion.

Hetl. 132. Hob. 246.

Prohibitions, for removing thoſe matters from the Spiritual to the Temporal Courts; as it happen'd in the 4th of *Charles* the *firſt*, when one had been preſented for a *Railer* and *Sower of Diſcord* among his Neighbours, and the Archdeacon enjoined him Purgation; upon Motion, the Temporal Court granted a Prohibition, declaring that it belonged more properly to the *Leet*, than the Spiritual Court; unleſs the Railing were in the Church, or the like. And in the 16th and 23d years of *Charles* the *ſecond*, Church-wardens who had refuſed the Oath, were, on the like pretences, ſupported and warranted in ſuch Refuſal, by the Temporal Courts. Till at length, the Conteſts of this kind multiplying, and cauſing great and frequent Troubles both to the Spiritual and Temporal Courts, an Oath of a more *general* form, was agreed on between the Civilians and Common Lawyers; by which Church-wardens bound themſelves, inſtead of Preſenting ſuch things as were contained in the *Book of Articles*, to Preſent ſuch things as *to their knowledge were Preſentable by the Laws Eccleſiaſtical of this Realm.*

1 Ventr. 114. Hardr. 364.

The Oath thus modell'd, was allowed and confirmed two ſeveral times, in the Court of *King's Bench*; once in the 25th, and again in the 29th year of *Charles* the *ſecond:* before both which Judgments it had been expreſly declared in the ſame Court, that tho' ſome things might be inſerted in the *Articles of Viſitation*, which were not properly of Eccleſiaſtical Cogniſance, yet if the Oath was conceived and tender'd in thoſe *general* terms, the Church-wardens could not legally refuſe it; in as much as the *Articles* were offered only by way of *Direction* and *Charge*; and, by the tenor of the Oath, the Eccleſiaſtical Laws, and not the Articles, were now become the *Legal* Rule and Meaſure of their Duty.

3 Keb. 206, 126. 1 Ventr. 127.

[nn] **To Preſent.**] In a Viſitation made by Archbiſhop *Warham*, where a Preſentment had been made, and the Parties denied the fact, *Commiſſarius injunxit Iconomis, ut probarent.*

Warh. 60, a. --- The like, 63, b. 68, a.

1 Jac. 1.

CANONS 1603.

cxvi. *Church-wardens not bound to preſent oftner than twice a Year.*

NO Church-wardens, Queſtmen, or Sidemen of any Pariſh, ſhall be inforced to exhibit their Preſentments to any having Eccleſiaſtical Juriſdiction, above once in every Year, where it hath been no oftner uſed, nor [o] above twice in any Dioceſs whatſoever, except it be at the Biſhop's Viſitation. For the which Preſentments of every Pariſh Church or Chapel, the Regiſter of any Court where they are to be Exhibited, ſhall not receive in one year above four pence, under pain for every Offence therein, of Suſpenſion from the Execution of his Office for the ſpace of a Month *toties quoties*. Provided always, that as good occaſion ſhall require, it ſhall be lawful for every Miniſter, Church-wardens and Sidemen, to preſent Offenders as oft as they ſhall think meet: And likewiſe for any godly diſpoſed Perſon, or for any Eccleſiaſtical Judge, upon knowledge and notice given unto him or them, of any enormous Crime within his Juriſdiction, [p] to move the Miniſter, Churchwardens, or Sidemen, as they tender the Glory of God and Reformation of Sin, to preſent the ſame, if they ſhall find ſufficient cauſe to induce them thereunto, that it may be in due time puniſhed and reformed. Provided, that for theſe voluntary Preſentments, there be no Fee required or taken of them under the pain aforeſaid.

Church-wardens and Side-men ſhall Preſent once, or twice, a year, as hath been accuſtomed,
—and the Fee ſhall be but 4*d*.
—but the Miniſter, and they, may alſo Preſent, and may move them to do it, as there is occaſion;
—but for theſe there ſhall be no Fee.

3 Whitg. 124, b. 134, b.

[o] **Above twice.**] In the Regiſter of Archbiſhop *Whitgift*, we find it mentioned as an Irregularity in the Eccleſiaſtical Courts, to require *Quarterly* Bills of Preſentment; and it is alſo there ſaid to have been complained of in Parliament: which accounts for the Reſtraint laid in this Canon, That they be not in any place required oftner than *twice* a year.

[p] **To move the Miniſter.**] In the Viſitation-Articles of K. *Edward* the Sixth and Q. *Elizabeth* (as hath been already obſerved) there is this Enquiry concerning the Miniſters themſelves, *Whether they have given* open Monition *to their Pariſhioners, to* detect *and* Preſent *to their Ordinaries, all* Adulterers *and* Fornicators, &c.

Coll. Can. p. 29, 178.

1 Jac. 1.

CANONS 1603.

cxvii. *Church-wardens not to be troubled for not preſenting oftner than twice a year.*

NO Church-wardens, Queſtmen, or Sidemen, ſhall be called or cited, but only at the ſaid time or times before limited, to appear before any Eccleſiaſtical Judge whoſoever, for refuſing at other times to preſent any Faults committed in their Pariſhes, and puniſhable by Eccleſiaſtical Laws. Neither ſhall they or any of them, after their Preſentments exhibited at any of thoſe times, be any further troubled for the ſame, except upon manifeſt and evident proof it may appear that they did then willingly and wittingly omit to preſent ſome ſuch publick Crime or Crimes as they knew to be committed, or could not be ignorant that there was then a publick fame of them, or unleſs there be

Church-wardens and Sidemen ſhall not be bound to make private Preſentments,
—nor be troubled about Preſentments made,

—unleſs their omiſſions of Crimes be notorious,
—and then, they ſhall be puniſhed, as in caſes of Perjury.

The Duty and Rules of making Preſentments, at Viſitations.

very juſt cauſe to call them for the explanation of their former Preſentments. In which caſe of wilful omiſſion, their Ordinaries ſhall proceed againſt them in ſuch ſort as in caſes of wilful Perjury in a Court Eccleſiaſtical it is already by Law provided.

cxviii. *The old Church-wardens to make their Preſentments before the new are ſworn.*

Old Church-wardens and Sidemen ſhall continue till the New are Sworn,
—and ſhall make their Preſentments before they go out of their Office,
—and not paſs them over to the New ones.

THE Office of all Church-wardens and Sidemen ſhall be reputed ever hereafter to continue until the new Church-wardens that ſhall ſucceed them, be ſworn, which ſhall be the firſt week after *Eaſter*, or ſome week following, according to the direction of the Ordinary. Which time ſo appointed, ſhall always be one of the two times in every year, when the Miniſter and Church-wardens, and Sidemen of every Pariſh, ſhall exhibit to their ſeveral Ordinaries, the Preſentments of ſuch Enormities as have hapned in their Pariſhes ſince their laſt Preſentments. And this Duty they ſhall perform before the newly choſen Church-wardens and Sidemen be ſworn; and ſhall not be ſuffered to paſs over the ſaid Preſentments to thoſe that are newly come into Office, and are by intendment ignorant of ſuch Crimes; under pain of thoſe Cenſures which are appointed for the Reformation of ſuch Dalliers and Diſpencers with their own Conſciences and Oaths.

CANONS 1603.

1 Jac. 1.

cxxi. *None to be cited into ſeveral Courts for one Crime.*

Biſhop and Archdeacon ſometimes Viſiting in the ſame year,
—the Preſentments made by each, ſhall be certified to the other,
—that none may be proſecuted in divers Courts, for the ſame Crime.

IN places where the Biſhop and Archdeacon do by preſcription or compoſition viſit at ſeveral times in one and the ſame year, leſt for one and the ſelf ſame fault any of his Majeſties Subjects ſhould be challenged and moleſted in divers Eccleſiaſtical Courts; We order and appoint, That every Archdeacon or his Official, within one month after the Viſitation ended that year, and the Preſentments received, ſhall certifie under his Hand and Seal, to the Biſhop or his Chancellor, the Names and Crimes of all ſuch as are detected and preſented in his ſaid Viſitation, to the end the Chancellor ſhall thenceforth forbear to convent any perſon for any Crime or Cauſe ſo detected or preſented to the Archdeacon. And the Chancellor, within the like time after the Biſhop's Viſitation ended, and Preſentments received, ſhall under his Hand and Seal ſignifie to the Archdeacon or his Official, the Names and Crimes of all ſuch Perſons which ſhall be detected or preſented unto him in that Viſitation, to the ſame intent as is aforeſaid. And if theſe Officers ſhall not certifie each other as is here preſcribed, or after ſuch Certificate ſhall intertermeddle with the Crimes or Perſons detected and preſented in each other's Viſitation; then every of them ſo offending ſhall be ſuſpended from all Exerciſe of his Juriſdiction, by the Biſhop of the Dioceſs, until he ſhall repay the Coſts and Expences which the Parties grieved have been at by that Vexation.

CAP. IV.

Viſitation-ARTICLES.

Viſitation-Articles.

CANONS 1603.

1 Jac. 1.

cxix. *Convenient time to be aſſigned for framing Preſentments.*

Articles ſhall be delivered to the Church-wardens and Sidemen by the Eccleſiaſtical Judge, when they are ſworn; and by the Biſhop, before his Viſitation,

FOR the avoiding of ſuch inconveniencies as heretofore have happened by the haſty making of Bills of Preſentments, upon the days of the Viſitation and Synods, It is ordered, that always hereafter, every Chancellor, Archdeacon, Commiſſary and Official, and every other Perſon having Eccleſiaſtical Juriſdiction, at the ordinary time when the Church-wardens are ſworn; and the Archbiſhop and Biſhops, when he or they do ſummon their Viſitation; ſhall deliver, or cauſe to be delivered to the Church-wardens, Queſtmen and Sidemen of every Pariſh, or to ſome of them, ſuch [q] Books of Articles

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† Suprà, pag. præced.

Can. 9.

[q] **Books of Articles.**] By reaſon of the forementioned Diſputes concerning the Articles of Enquiry; the Convocation of 1640 judged it convenient to frame a Body of Articles for Parochial Viſitations, to be uſed throughout the Province; or (in the words of the 9th Canon) *to cauſe a* Summary *or* Collection *of Viſitatory Articles (out of the Rubricks of the Service-book, and the Canons and warrantable Rules of the Church) to be made, and, for future Direction, to be depoſited in the hands of the Archbiſhop of* Canterbury. And in the Convocation of 1661, Debate was in the Upper-houſe, *de conceptione unius Libri* Articulorum *in* Viſitatione *cujuſlibet Epiſcopi Oeconomis & Inquiſitoribus in quâlibet Diœceſi miniſtrandorum*; the preparing of which, was refer'd, firſt to a Committee, and then to the Biſhop of *Durham* ſingly; and the Draught was accordingly brought in, and tranſmitted to the Archbiſhop, *pro ejus perlectione, & debitâ conſideratione eorundem, & pro eorum Emendatione, Reformatione, & Correctione.* But what became of either of the Draughts, that are thus mentioned in the Convocations of 1640, and 1661, I have not heard.

Seſſ. 11.

Seſſ. 11, 53, 67.

Viſitation-Articles.

as they or any of them ſhall require for the year following, the ſaid Church-wardens, Queſtmen and Sidemen, to ground their Preſentments upon, at ſuch times as they are to exhibit them. In which Book ſhall be contained the form of the Oath which muſt be taken immediately before every ſuch Preſentment: To the intent that having beforehand time ſufficient, not only to peruſe and conſider what their ſaid Oath ſhall be, but the Articles alſo whereupon they are to ground their Preſentments, they may frame them *qq* at home both adviſedly and truly, to the diſcharge of their own Conſciences, after they are ſworn, as becometh honeſt and godly men.

—to the end they may know the Oath, and have due time and leiſure to frame their Preſentments.

qq **At home.**] By an Entry in one of our Records, about 300 years ago, the ancient way of making Preſentments, ſeems to have been, the Ordinary's *Examination* of the Synodal Witneſſes, and the taking their Detections and Preſentments *by word of mouth*, and then immediately entring them in the Acts of the Viſitation: So the Entry imports, *Certi Parochiani quarumlibet Eccleſiarum & Parochiarum infra Decanatum prædictum comparuerunt, at de & ſuper ſingulis* Articulis *in hujuſmodi Viſitatione de jure requiſitis*, ſigillatim, ſecretè, & ſucceſſivè Examinati *ſunt, eorúmque dicta & depoſita* deſcripta *in Regiſtro*. And altho' Preſentments are now required to be *framed at home*, there is no doubt but every Viſitor hath the ſame Right of *perſonal Examination*, that ancient Viſitors had; as oft as he finds occaſion for it.

CAP. V.

Preſentments by MINISTERS.

1 Jac. 1.

CANONS 1603.

cxiii. *Miniſters may preſent.*

Preſentments by Miniſters.

BEcauſe it often cometh to paſs, that Church-wardens, Sidemen, Queſtmen, and ſuch other Perſons of the Laity as are to take care for the ſuppreſſing of Sin and Wickedneſs in their ſeveral Pariſhes, as much as in them lieth, by Admonition, Reprehenſion, and Denunciation to their Ordinaries, do forbear to diſcharge their Duties therein, either through Fear of their Superiors, or through Negligence, more than were fit, the Licentiouſneſs of theſe Times conſidered: We ordain, That hereafter every Parſon and Vicar, or, in the lawful Abſence of any Parſon or Vicar, then their Curates and Subſtitutes, may join in every Preſentment with the ſaid Church-wardens, Sidemen, and the reſt abovementioned, at the times hereafter limited, if they the ſaid Church-wardens and the reſt will preſent ſuch Enormities as are apparent in the Pariſh: Or if they will not, then every ſuch Parſon and Vicar, or, in their Abſence as aforeſaid, their Curates, may themſelves preſent to their Ordinaries, at ſuch times and when elſe they think it meet, all ſuch Crimes as they have in charge, or otherwiſe, as by them, (being the Perſons that ſhould have the chief Care for the ſuppreſſing of Sin and Impiety in their Pariſhes) ſhall be thought to require due Reformation. Provided always, that if any Man confeſs his ſecret and hidden Sins to the Miniſter, for the unburthening of his Conſcience, and to receive ſpiritual Conſolation and Eaſe of Mind from him, We do not any way bind the ſaid Miniſter by this our Conſtitution; but do ſtrictly charge and admoniſh him, that he do not at any time reveal and make known to any Perſon whatſoever, any Crime or Offence ſo committed to his truſt and ſecrecy (except they be ſuch Crimes as by the Laws of this Realm his own Life may be called into queſtion, for concealing the ſame) under pain of Irregularity.

Church-wardens, &c. often neglecting their Duties in not Preſenting,

—Miniſters may joyn with them in the Preſentments,

—and may preſent ſeparately, if the Church-wardens refuſe;

—but ſhall not preſent Sins, revealed to them in Confeſſions,

—nor make thoſe Sins known,

—except ſuch, the concealment whereof is Capital.

CAP. VI.

CRIMES *and* PERSONS *to be particularly Preſented.*

CANONS 1603.

1 Jac. 1.

xc. *The Choice of Sidemen, and their joynt Office with Church-wardens.*

Church-wardens *&c.* ſhall ſee, that all the Pariſhioners reſort to Church, and behave themſelves orderly,

Crimes and Perſons to be particularly Preſented.

Vide Inj. *Eliz.* p. 77, 78.
Can. 1571. p. 233, 234, 236.
† Inj. *E.* 6. p. 8.
Art. Viſ. 1 *Eliz.* p. 179.

THE Church-wardens or Queſtmen of every Pariſh, and two or three or more diſcreet perſons in every Pariſh to be choſen for Sidemen or Aſſiſtants, by the Miniſter and Pariſhioners, if they can agree (otherwiſe to be appointed by the Ordinary of the Dioceſe) ſhall diligently ſee, that all the Pariſhioners duly reſort to their Church upon all Sundays and Holidays, and † there continue *r* the whole time of Divine Service; and none to walk, or ſtand idle or talking in the Church, or in the Church-yard, or the Church-porch during that time. And *rr* all ſuch as ſhall be found ſlack or negligent in reſorting to the Church (having no great or urgent cauſe of abſence) they ſhall earneſtly call upon them: And after due monition (if they amend not) they ſhall preſent them to the Ordinary of the place.

—which if they do not, they ſhall preſent them.

Spel. V. 1. p. 266.
Agath. c. 47.
Aurelian. 1. c. 26.

r **The whole Time.**] Among the Conſtitutions of *Egbert*, Archbiſhop of *York*, one is, *Sacerdote verbum in Eccleſiâ faciente, qui egreſſus de Auditorio fuerit, Excommunicetur*; and it is taken out of the Fourth Council of *Carthage.*

rr **All ſuch.**] The Act of Toleration hath not ſuperſeded this Canon, but they who repair to no Place of Publick Worſhip, are ſtill Preſentable, as before that Act. Nor need the Church-wardens be afraid of bringing trouble to themſelves by Preſenting ſuch Perſons, who poſſibly may go to ſome other Place; becauſe the Proof of that reſts upon the Perſons Preſented, and the Abſence from Church juſtifies the Preſentment. The Qualifications, neceſſary to entitle any Perſon to the Benefit of the Act of Toleration, may be ſeen in the 2d Section of that Act, 1 *W. Mar.* c. 18.

cix. *Notorious Crimes and Scandals to be certified into Eccleſiaſtical Courts by Preſentments.*

The Crimes, here ſpecified, ſhall be preſented,

IF any offend their Brethren, either by Adultery, Whoredom, Inceſt, or Drunkenneſs, or by Swearing, Ribbaldry, Uſury, or any other Uncleanneſs and Wickedneſs of Life, the Church-wardens or Queſtmen, and Sidemen, in their next Preſentments to their Ordinaries, ſhall faithfully preſent all and every of the ſaid Offenders; to the intent that they and every of them may be puniſhed by the ſeverity of the Laws, according to their deſerts: and ſuch notorious Offenders ſhall not be admitted to the holy Communion, till they be reformed.

—and none of the Offenders, till they reform, ſhall be admitted to Communion.

cx. *Schiſmaticks to be preſented.*

Hinderers of the word of God or of theſe Conſtitutions, and Defenders of Popery, ſhall be Preſented.

IF the Church-wardens or Queſtmen or Aſſiſtants, do or ſhall know any Man within their Pariſh or elſewhere, that is a hinderer of the Word of God to be read or ſincerely preached, or of the execution of theſe our Conſtitutions, or a fautor of any uſurped or foreign Power by the Laws of this Realm juſtly rejected and taken away, or a Defender of Popiſh and erroneous Doctrine, they ſhall detect and preſent the ſame to the Biſhop of the Dioceſs or Ordinary of the place, to be cenſured and puniſhed according to ſuch Eccleſiaſtical Laws as are preſcribed in that behalf.

cxi. *Diſturbers of Divine Service to be preſented.*

Diſorderly Behaviour in the Church, ſhall be Preſented.

IN all Viſitations of Biſhops and Archdeacons, the Churchwardens or Queſtmen and Sidemen, ſhall truly and perſonally preſent the Names of all thoſe which behave themſelves rudely and diſorderly in the Church, or which by untimely Ringing of the Bells, by walking, talking, or other Noiſe, ſhall hinder the Miniſter or Preacher.

cxii. *Not Communicants at Eaſter to be preſented.*

Names of Non-Communicants at *Eaſter*, ſhall be exhibited, within 40 days.

THE Miniſter, Church-Wardens, Queſtmen and Aſſiſtants of every Pariſh-Church and Chapel, ſhall yearly, within forty days after *Eaſter*, exhibit to the Biſhop or his Chancellor, the Names and Sirnames of all the Pariſhioners, as well Men as Women, which being of the Age of ſixteen years, received not the Communion at *Eaſter* before.

CAP. VII.

FREEDOM *of Preſentments.*

1 Jac. I.

CANONS 1603.

CXV. *Miniſters and Church-wardens not to be ſued for Preſentments.*

Freedom of Preſentments.

Miniſters, Church-wardens, *&c.* being often troubled for their Preſentments,

WHereas, for the Reformation of Criminous Perſons and Diſorders in every Pariſh, the Church-wardens, Queſtmen, Sidemen, and ſuch other Church Officers, are ſworn, and the Miniſter charged to preſent as well the Crimes and Diſorders committed by the ſaid Criminous Perſons, as alſo the common Fame which is ſpread abroad of them, whereby they are often maligned and [r] ſometimes troubled by the ſaid Delinquents or their Friends: We do admoniſh and exhort all Judges, both Eccleſiaſtical and Temporal, as they regard and Reverence the fearful Judgment-Seat of the higheſt Judge, that they admit not, in any of their Courts, any Complaint, Plea, Suit or Suits, againſt any Church-wardens, Queſtmen, Sidemen, or other Church-Officers, for making any ſuch Preſentments, nor againſt any Miniſter for any Preſentment that he ſhall make: All the ſaid Preſentments tending to the Reſtraint of ſhameleſs Impiety, and conſidering that the Rules both of Charity and Government do preſume that they did nothing therein of Malice, but for the diſcharge of their Conſciences.

—Eccleſiaſtical and Temporal Judges are admoniſhed, and exhorted, that they admit no ſuch Complaints.

Hetl. 11.

[r] **Sometimes troubled.**] In the third year of *Charles* the firſt, when two Church-wardens had Preſented a Woman, upon the common Report of Adultery, and Sentence was given in the Arches againſt the Baron and Feme, who were Plaintiffs; Prohibition was ſued for and denied: for (as the Court ſaid) they were Plaintiffs firſt; and alſo it is *a Cauſe which this Court hath not any Coniſance of.*

Jones (W.) 305.

In the ſame Reign (8 *Car.* I.) when an Action upon the Caſe was brought againſt Church-wardens, for a *falſe* and *malicious Preſentment*; Judgment was given for the Defendants.

By an Act, 21 *Jac.* I. c. 12. §. 3. it is provided, *That all* Church-wardens, *and all perſons call'd* Sworn men, *executing of the Office of Church-wardens, and all Overſeers of the Poor, and all others which in their aid and aſſiſtance, or by their commandment, ſhall do any thing touching or concerning his or their Office or Offices, ſhall hereafter be enabled to receive and have ſuch benefit and help* [i. e. double Coſts] *by virtue of the ſaid Act* [7 *Jac.* I. c. 5.] *to all intents, conſtructions, and purpoſes, as if they had been ſpecially nam'd therein.* But altho' the words of the Act, as we ſee, are *general,* and without reſtriction of any kind, yet the Courts of Common Law do not admit, that they be extended to Church-wardens acting in *Eccleſiaſtical* matters, but reſtrain them to their *temporal* Office.

3 Cro. 285. Jones, 305.

Concerning the PROSECUTION *of* PRESENTMENTS.

Preſentments upon common Fame.

ON this Head, we muſt diſtinguiſh between Preſentments upon *common Fame,* and Preſentments of Crimes actually committed, where the Matters of Fact are *notorious* and *undeniable.*

It muſt be owned, That as to the Firſt of theſe, *viz.* The Proſecution of Preſentments upon *common Fame,* the Power of the Church is greatly diminiſhed and reſtrained. Heretofore, when any Perſon was Preſented upon a *vehement Suſpicion* (as, for keeping Company with this or that Perſon, reſorting to this or that Place, or the like,) and yet no vicious Practice could be directly proved; the regular Way was, for the Judge to cite the Party, and charge him with the Matter of the Preſentment. If he inſiſted on his Innocence (as in ſuch Caſes they generally did,) then he had *Purgation* enjoyned; *i. e.* he had a Day appointed, to appear again, with ſix or eight of his Neighbours, of good Fame and honeſt Converſation, ſtiled in that Capacity *Compurgatores:* At which Appearance, he was firſt to purge himſelf, by making Oath of his Innocence; and then, his Neighbours were to purge him, by taking each a ſeparate Oath, of their Belief that what he had ſworn was true.

If the Party Preſented did make due and regular Purgation, in the Manner aforeſaid; then he was diſmiſſed by the Judge, with an Admonition to abſtain from keeping Company with the Perſon, or Reſorting to the Place, or from whatever elſe was the *Foundation* of the Fame, whereby he had given Offence and Scandal to his Neighbours. But if he failed in his Purgation, (*i. e.* if he either would not *make Oath* of his Innocence, or could not find the Number enjoyned, to ſwear their *Belief* of his Innocence) then he was *ipſo facto* taken for Guilty, and accordingly had Penance enjoyned, proportionable to the Degrees of Guilt.

Purgations of this kind, and the Failures of Purgation, appear on our Eccleſiaſtical Records, without Number: And the Diſcipline was certainly fair and reaſonable; inaſmuch as that Perſon muſt be owned to be *ripe* for the Cenſures of the Church, who, in a whole Pariſh, cannot find ſo ſmall a Number, to declare their *Belief* of his Innocence; nor, which is yet worſe, to declare (after he has taken an Oath in the moſt ſolemn Manner) that they believe, that what he has ſworn is true.

But it was a Diſcipline too wholſom, to be digeſted; and therefore in the 13th Year of King *Charles* the Second, we find an expreſs Act of Parliament, by which it was provided, *That no Spiritual Judge ſhould thence-forth tender any Oath, by which the Party ſhould be compelled to* purge *him or herſelf, of any* Criminal *Matter or Thing, whereby he or ſhe might be liable to Cenſure or Puniſhment*; as the Words of the Act are.

But altho' this Act put an end to Purgations in Form, or in the Method which we have been deſcribing; yet did it not render Preſentments upon *common Fame* either Illegal, or wholly uſeleſs and ineffectual. Becauſe no Statute, which breaks in upon a Law or Cuſtom in Being, is to be extended further, to the Prejudice of ſuch

Law or Cuſtom, than may be warranted by the expreſs Words, or neceſſary Implication, of ſuch Statute. And therefore, there are two Things, which ſeem to remain in full force, notwithſtanding the ſaid Clauſe; the Firſt is, the Right of Ordinaries to *require* Preſentments upon common Fame; and the Second, The Right of Convening the Party Preſented, and admoniſhing him to avoid, for the Time to come, the *Ground* or *Occaſion* of the Scandal, upon pain of Spiritual Cenſures; which Cenſures he incurs, and is to be accordingly proſecuted and puniſhed, if it appear, upon future Enquiry, that he hath been wilfully and obſtinately diſobedient to ſuch reaſonable Admonition given.

Preſentments of *Crimes Notorious.*

Thus much, of Preſentments upon common Fame, and the Proceedings of the Spiritual Court, in purſuance of them. The next Article is, The Proceeding upon Crimes Preſented, which are *clear* and *notorious*, in point of Fact, or Certainty. And in the Proſecution of theſe (whether they be Immoralities in Perſons, as Uncleanneſs, Swearing, Drunkenneſs;) or Defects in Places, (as the want of Repairs or Utenſils, in Churches, Church-yards, and Parſonage-houſes;) all theſe, I ſay, are not only in their Nature meerly Spiritual and Eccleſiaſtical, and, as ſuch, cognizable only in the Eccleſiaſtical Courts; but, in the chief Heads, (viz. *Uncleanneſs*, and the *Repairing of Churches and Church-Yards*,) the Temporal Courts are expreſly forbidden to give Interruption or Diſturbance to the Spiritual, by a plain Statute made in the Reign of King *Edward* I, and commonly called *circumſpectè agatis*, which is ſtill in full Force and Authority, and acknowledged ſo to be by the Temporal Judges.

From hence it follows, That when Preſentments are duly made, of Crimes and Defects of a Spiritual Nature, purſuant to the Oath and Duty of Churchwardens; the Perſons Preſented are wholly under the Power of the Spiritual Court; without any Apprehenſion of being diſturbed by Prohibition from the Temporal. And therefore, if Offenders, being Preſented, do eſcape unpuniſhed, it muſt be owing either to the want of Proof, or the want of Proſecution.

Church-wardens to *ſupport* their Preſentments.

As to Legal Proof; in Caſe the Party Preſented denies the Fact to be true, the making Good the Truth of the Preſentment (*i. e.* the furniſhing the Court with all proper *Evidences* of it) undoubtedly reſts upon the Perſons Preſenting: And, as the Spiritual Court, in ſuch Caſe, is entitled by Law to call upon Church-wardens to ſupport their Preſentments; ſo are Church-wardens obliged, not only by Law, but alſo in *Honour* and in *Conſcience*, to ſee the Preſentment effectually ſupported. In Honour, becauſe the Denial of a Fact Preſented upon their Oath, is really the charging them with Perjury, or Malice, or both; and in Conſcience, becauſe to deny the Court thoſe Evidences which induced them to Preſent upon Oath (by which Means, the Offender eſcapes unpuniſhed,) is to deſert their Preſentment, and is little better in Point of Conſcience, than not to Preſent at all; inaſmuch as through *their Default* the Preſentment is rendered wholly ineffectual, as to all Purpoſes of removing the Scandal, or reforming the Offender.

Freedom of Preſentments.

Duty and Intereſt of Pariſhioners to ſupport their Church-wardens.

And as Church-wardens are bound to ſupport their Preſentments; ſo it is to be wiſhed, That Pariſhioners would think *themſelves* bound (as on many Accounts they certainly are bound) to ſupport their Church-wardens, in ſeeing that their Preſentments are rendered effectual. My Meaning is not, in any Point which concerns the Repairs or Ornaments of Churches, or the providing Conveniencies of any Kind for the Service of God; becauſe whenever ſuch Defects are Preſented, the Spiritual Judge, immediately and of Courſe, enjoyns the Church-warden Preſenting, to ſee the Defect (whatever it is) made good, according to Law, and ſupports him in repaying himſelf by a Legal and reaſonable Rate upon the Pariſh. But what I aim at, is, The ſupporting Church-wardens in the Proſecution of ſuch Immoral and Unchriſtian Livers, as they find themſelves obliged by their Oath to Preſent; ſuch as, unclean Perſons, common Swearers, and Drunkards: Who are open Enemies to God and Religion, and therefore ought to be zealouſly diſcountenanced by every Chriſtian, that has any Degree of Concern for the Glory of God, and the Honour of Religion: Whom every Parent and Maſter in a Pariſh, ought to account the Corrupters of his Children and Servants, in Point of Example; and to endeavour to bring the Perſons to Publick Shame and Infamy, that the Practices, inſtead of being imitated, may be abhorred, by the *Youth* of the Pariſh: Who, by their lewd Behaviour, and by conſuming their Eſtates, do oft-times (in the Event) bring great Charge upon the Pariſhes; which might have been prevented, and the Offenders themſelves perhaps reformed, with a very ſmall Expence, by a Parochial Zeal in ſupporting the Endeavours of Church-wardens to give the Diſcipline and Cenſures of the Church their full Force and Effect upon them.

CAP. VIII.

PAROCHIAL *Viſitations, by* ARCHDEACONS.

A.D. 1222.
6 *H*. 3.

STEPHANUS.

Archidiaconi eſt proſpicere ut Sacramenta ritè conſerventur & Adminiſtrentur, atque potiſſimum Euchariſtia & ſanctum Oleum ſub clavibus cuſtodiantur. Ornamenta quoque Eccleſiarum ab eodem viſitentur, & poſſeſſiones recenſeantur.

Parochial Viſitations by Archdeacons.

Lyndw. Edit. Oxon. p. 49.

UT Archidiaconi, ſecundùm Apoſtolum, non quæ ſua ſunt quærant, ſed quæ Jeſu Chriſti, in ſua viſitatione provideant, quòd Canon Miſſæ emendetur, & quòd ſacerdotes ritè noverint proferre verba Canonis & Baptiſmatis, & quòd in hac parte ſanum habeant intellectum: doceant etiam laicos in qua forma baptizare debeant in caſu neceſſitatis, ut ſaltem hoc ſciant facere in aliquo idiomate. Provideant quoque diligenter Archidiaconi, quòd juxta formam [s] generalis Concilii, Euchariſtia, Chriſma, & Oleum ſanctum ſalvò ſub clavibus recondantur, fideli cuſtodiæ deputata. Habeant etiam Archidiaconi [t] in ſcriptis redacta omnia ornamenta, & utenſilia Eccleſiarum, Veſtes quoque & libros; quæ ſingulis annis ſuo faciant conſpectui præſentari, ut [u] videant quæ fuerunt adjecta per diligentiam perſonarum; vel quæ tempore intermedio per ipſarum malitiam vel imperitiam deperierunt. Item provideant de [w] poſſeſſionibus, ut ita ſingulis annis proficiant, ne Eccleſia [x] ſuo jure defraudetur.

Archdeacons, in their Viſitation, ſhall ſee that the Offices of the Church are duly adminiſtred,

—and ſhall take an account of the Ornaments, and Poſſeſſions, of Churches.

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[s] Generalis Concilii.] *Extra. de Cuſtodiâ Euchariſtiæ, c.* 1. Lyndw. *Scil. Concilium* Lateran'. *ſub Innocentio tertio, c* 20.

[t] In ſcriptis.] *Ut hæc ſcripta* Indentata *forent, bonum eſſet; ſic ut una pars remaneret penes Archidiaconum, alia penes Parochianos, per modum Chirographi, aliàs ſyngraphi, quæ ſcriptura dicitur* Indentata. Lyndw.

[u] Videant.] *Sic ergo Archidiaconus* perſonaliter *accedere debet ad Locum Viſitandum.* ——Lyndw.

[w] Poſſeſſionibus Eccleſiarum.] *i. e. Bonis, ſive rebus, jure & nomine Eccleſiæ poſſeſſis* —— *Et puto, in hoc loco, nomine* Poſſeſſionum *intelligi debere, non ſolùm Emolumenta & Jura ad ſuſtentationem Ornamentorum & Fabricæ Eccleſiæ ſive Luminarium ordinata, legata, vel aliâs quoviſmodo præparata vel acquiſita; ſed etiam Decimas, Oblationes, & hujuſmodi Jura, in quibus Eccleſiæ poſſeſſæ ſunt, & quæ ipſarum Rectores, ſive de jure, ſive de conſuetudine, recipere & habere ſolent.* Lyndw.

[x] Suo Jure.] *Sive Jus ipſum conſiſtat in Decimis, Oblationibus, Mortuariis, aut aliis rebus; ut ſic hæc Clauſula referatur ad Curatos, vel ipſarum Eccleſiarum Rectores: Vel ſi hoc referas ad Parochianos, dic* ſuo Jure, *eo,* viz. *quo aliquid proviſum eſt ad Ornamenta ſeu Fabricam Eccleſiæ, vel ipſius Luminaria, aut alia hujuſmodi, ſuſtinenda.* Lyndw.

A.D. 1237.
22 *H*. 3.

OTHO.

Summarium.

Archidiaconi diligenter & fideliter Eccleſias ſuas, ſine earum indecenti gravamine viſitent, nihil ex correctione aut punitione recipientes, aut quenquam ob avaritiam ſententiis innodantes. Contra quod facientes, præter Canonicam pœnam, ad duplam exactorum reſtitutionem, ad pios uſus applicandorum, arbitrio Epiſcopi compellantur; ſintque diligentes in Capitulis frequentandis & decenter inſtruendis.

Otho. Edit. Oxon. p. 52.

DE Archidiaconis quoque Statuimus, ut [y] Eccleſias utiliter & fideliter viſitent; de Sacris vaſis & [z] veſtibus, & qualiter diurnis & nocturnis Officiis Eccleſiæ ſerviatur, & generaliter de [a] Temporalibus & Spiritualibus, inquirendo; & quæ [b] corrigenda invenerint, corrigant diligenter.

Archdeacons ſhall Viſit their Churches, and reform what is amiſs;

Cum autem viſitent, corrigant, aut crimina puniant, aliquid ab aliquo recipere non præſumant, nec ſententiis aliquos involvant injuſtè, quòd ab eis poſſint pecunias extorquere. Cum enim hæc & talia Simoniacam ſapiant pravitatem, Decernimus, ut qui talia agere præſumpſerint, ſic extorta in duplum erogare in pios uſus arbitrio Epiſcopi compellantur; ſalvâ nihilominus aliâ pœnâ Canonicâ contra eos.

—and ſhall not take Mony in exchange for Corrections,

Sint autem ſolliciti frequenter intereſſe [c] Capitulis per ſingulos Decanatus, in quibus diligenter inſtruant inter alia Sacerdotes, ut benè vivant, ut ſciant & [d] ſanè intelligant verba Canonis & Baptiſmatis, quæ ſunt de ſubſtantia Sacramenti.

— and ſhall frequent the Rural Chapters, and inſtruct the Clergy.

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[y] Eccleſias.] *Imò & Converſationes Eccleſiaſticarum perſonarum.* J. de Athon.

[z] Veſtibus.] *Dictis vulgariter* Veſtimentis. *Supple, Et cæteris Eccleſiæ Ornamentis.* J. de Athon.

[a] Temporalibus.] *In pios uſus collatis, dummodò non merè profanis.* J. de Athon.

[b] Corrigenda.] *Nota, Cujus eſt Viſitare, ipſius eſt comperta corrigere.* J. de Athon.

[c] Capitulis.] *Ruralibus; quæ hodiè tenentur per Officiales Archidiaconorum, & quandoque per Decanos Rurales.* J. de Athon.

[d] Sanè intelligant.] *Quantum ad mentem, ſignificationem, & virtutem Verborum.* J. de Athon.

Parochial Viſitations by Archdeacons.

A.D. 1281. 9 *Edw.* 1.

JOHANNES PECCHAM.

Archidiaconus articulos excommunicationis promulgari, & præcepta moralia ad ſalutem neceſſaria, ab iis quorum intereſt, faciat prædicari.

Archdeacons ſhall Enquire whether the Articles of Excommunication are publiſhed, — and the People duly inſtructed: — and ſee, that both be duly done.

Lyndw. Edit. Oxon. p. 51.

EIſdem etiam temporibus, & *infrá.* De publicatione articulorum fiendâ, quibus ſententia excommunicationis incurritur ipſo facto, Archidiaconi diligenter *e* inquirant. Et quoties *f* Preſbyteros invenerint inſtructionem moralem (videlicet 14. articulorum fidei: decem mandatorum decalogi: duorum præceptorum Evangelii: ſeptem operum miſericordiæ: & ſeptem peccatorum criminalium, cum ſua progenie: ſeptem virtutum principalium: ac ſeptem gratiæ Sacramentorum, ſeu Excommunicationum ſententias) Statutis Temporibus populo minimè prædicâſſe ſeu publicâſſe, toties eos arguant, & pœnâ canonicâ caſtigando ſupplere compellant, quod temerè omiſerunt.

e Inquirant.] *In hoc loco, non ſolùm Archidiaconi procedunt ut* Inquiſitores, *ſed ut* Judices. Lyndw.

f Presbyteros.] *Scil. Parochiales, & Curam Animarum habentes.* Lyndw.

WALTERUS.

Archidiaconus curet, ut Altaris Ornamenta ſint decentia: & Eccleſiarum Libri idonei: Sacerdotumque Veſtimenta in officio, honeſta & ſaltem duplicata.

Archdeacons ſhall take care, that the Altar and Church have due Ornaments, Books, and Veſtments.

Lyndw. Edit. Oxon. p. 52.

SINT Eccleſiarum Rectores, & *infrá.* Provideant Archidiaconi, ut linteamina & alia ornamenta altaris, *g* ſicut decet, ſint *h* honeſta; & libros habeat eccleſia idoneos, ad pſallendum pariter & legendum: & ad minus *i* duplicia *k* ſacerdotalia veſtimenta, & ut honor debitus divinis officiis in omnibus impendatur. Præcipimus etiam ut qui altari miniſtrat, ſuperpellicio induatur.

g Sicut decet.] *Hæc decentia reſpici debet ſecundùm qualitatem Eccleſiæ, & ipſius facultates; ut ſcilicet ſecundùm quod Eccleſia magis abundat in Facultatibus, ſic meliora & precioſiora habeat Ornamenta.* Lyndw.

h Honeſta.] *Munda; non rupta, non conſciſſa.* Lyndw.

i Duplicia.] *Scil. unum pro Dominicis, aliud pro Ferialibus diebus.* Lyndw.

k Sacerdotalia.] *Loquitur in pauperibus Eccleſiis, ubi forſan non eſt niſi unus Sacerdos celebrans Divina —— Sic quòd in eis non oportet providere de Veſtibus Diaconalibus nec Subdiaconalibus, cùm non ſit in eis ad hoc dare Miniſtros.* Lynd.

WALTERUS.

Eccleſiarum reparationi debitè Archidiaconus invigilet.

Archdeacons ſhall enjoyn repairs in Churches, where they are wanting; — and puniſh what is amiſs in Things or Perſons.

Lyndw. Edit. Oxon. p. 53.

ARchidiaconi, & *infrá.* Injungimus Archidiaconis & eorum Officialibus, ut in viſitationibus Eccleſiarum faciendis diligentem adhibeant conſiderationem ad *l* fabricam Eccleſiæ, & maximè Cancelli, ſi forte indigeant reparatione: ſi quos invenerint defectus hujuſmodi, certum ſub pœna præfigant terminum, infra quem emendentur vel ſuppleantur: per ſe etiam & *l* ſuos inquirant, ſi in parochia, in qua officium viſitationis impendunt, *n* in rebus vel *nn* perſonis aliquid fuerit corrigendum: & exceſſus, ſi quos ibidem invenerint, vel tunc vel in proximo capitulo corrigantur.

l Fabricam Eccleſiæ.] *i. e. Structuram ſive Conſtructionem; quæ conſiſtit in Parietibus, Feneſtris, & Tecto. Et ex hoc quòd dicit* Eccleſiæ, *comprehendit Eccleſiam integram, videlicet Navem cum Cancello.* Lyndw.

m Suos.] *Scil. Officiales, & Miniſtros.* Lyndw.

n In Rebus.] *Scil. pertinentibus ad Eccleſiam —— Et hìc appellatione* Rerum, *intelligo contineri Jura ad Eccleſiam quoviſmodo pertinentia.* Lyndw.

nn Perſonis.] *Sive Clericorum, ſive Laicorum.* Lyndw.

JOHANNES STRATFORD.

A.D. 1343. 17 *Edw.* 3.

In Conſt. *Quamvis lex naturæ*, Sub Tit. de Cenſibus.

Reparations being decreed, under pain of a *pecuniary mulct*, — ſuch *mulct* ſhall be accordingly applyed, upon pain of Suſpenſion.

Lyndw. Edit. Oxon. p. 224.

—— Item quia viſitantes Archidiaconi, & alii Ordinarii, tam in Eccleſiis quàm ornamentis earum, & cœmeteriorum clauſuris, manſorumque domibus, reperientes defectus, ipſos ſub pecuniariis pœnis præcipiunt reparari, & à non parentibus cenſuris extorquent pœnas hujuſmodi, quibus dicti defectus debitè poterunt emendari; inde ſuas burſas cum jactura pauperum, his diebus oppreſſorum inſolitè, nequiter impinguantes: Igitur nè propter tales exactiones pœnales adverſus Archidiaconos, & alios Ordinarios, & eorum Miniſtros, detur occaſio malignandi, nec Eccleſiaſticos viros deceat quæſtibus inhoneſtis, & pœnalibus anhelare, vel ditari: Statuimus, quod pœnæ hujuſmodi, quoties exactæ fuerint, in reparationem convertantur hujuſmodi defectuum repertorum, ſub pœna Suſpenſionis ab Officio, quam contra præmiſſa ſibiipſis pœnas hujuſmodi applicantes, donec ſic percepta ad reparationem dictorum defectuum cum effectu aſſignent, incurrere Decernimus ipſo facto.

Parochial Viſitations by Archdeacons.

1 Jac. 1.

CANONS 1603.

lxxxvi. *Churches to be ſurveyed, and the Decays certified to the High Commiſſioners.*

All inferiour Ordinaries ſhall Survey Parochial Churches, every three years, —and certifie the High-Commiſſioners of the Defects, —who are deſired to proceed *ex officio* againſt the Offenders.

EVery Dean, Dean and Chapter, Archdeacon, and others which have Authority to hold Eccleſiaſtical Viſitations by Compoſition, Law or Preſcription, ſhall ſurvey the Churches of his or their Juriſdiction, once in every three years, in his own Perſon, or cauſe the ſame to be done; and ſhall from time to time within the ſaid three years, certifie the High-Commiſſioners for cauſes Eccleſiaſtical, every year, of ſuch Defects in any the ſaid Churches, as he or they do find to remain unrepaired, and the Names and Sirnames of the Parties faulty therein. Upon which Certificate, we deſire that the ſaid High Commiſſioners will *ex officio mero* ſend for ſuch Parties, and compel them to obey the juſt and lawful Decrees of ſuch Eccleſiaſtical Ordinaries making ſuch Certificates.

Of ARCHDEACONS, RURAL-DEANS, *and* RURAL-CHAPTERS.

Of ARCHDEACONS.

Original of Archdeacons.

THE foregoing *Conſtitutions*, and the Commentaries upon them, give us a view of the *principal* Branch of the Office of Archdeacons, *viz*, *Viſitation*, as it ſtands eſtabliſhed by the *Canon-Law* in general, and by the particular Laws of our own Church. But as in their *original* Inſtitution, they had no relation to the *Dioceſe*, but only to the *Epiſcopal See*; ſo was it by ſeveral *ſteps* and *degrees* that they attained to the *Viſitatorial Power* they now enjoy. At their firſt Inſtitution (which was about the latter end of the third Century) their proper buſineſs was, to attend the Biſhop at the Altar, to direct the Deacons and other inferior Officers in their ſeveral Duties for the orderly performance of Divine Service, to attend the Biſhop at Ordinations, and to aſſiſt him in the management of the Revenues of the Church; but without any thing that could be called *Juriſdiction*, in the preſent Senſe of the Word, either *in* the Cathedral, or *out* of it.

Extra. l. 1. t. 23. c. 2. e. Concil. Tolet.

All that while, the *Chorepiſcopi* had the Inſpection, under the Biſhop, of the Clergy in the *Country*, and of thoſe parts of the Dioceſe which were remote from the Epiſcopal See; till, in the Council of *Laodicea*, *ann.* 360, it was Ordained, That no Biſhops ſhould be placed in Country Villages, but only Περιοδευταὶ, *Itinerant* or *Viſiting* Preſbyters. But the Archdeacon, being always *near* the Biſhop, and the Perſon mainly intruſted by him, grew into great Credit and Power, and came by degrees (as occaſion required) to be employed by him, in *Viſiting* the Clergy of the Dioceſe, and in the Diſpatch of other matters relating to the Epiſcopal Care: So that by the beginning of the *7th* Century, he ſeems to have been fully poſſeſs'd of the *chief Care* and *Inſpection* of the Dioceſe, in ſubordination to the Biſhop.

But this is to be underſtood, with a twofold Diſtinction from the *preſent* ſtate and meaſure of Archidiaconal Power.

Viſitatorial Power of Archdeacons.

Otho, de Offic. Archid. v. *Viſitant.* p. 53.

1. That he was employ'd *generally* throughout the Dioceſe, at the pleaſure of the Biſhop: Such an Archdeacon *John de Athon* calls *Archidiaconus* Generalis; *qui non habet Archidiaconatum* diſtinctè limitatum, *ſed tanquam* Vicarius *fungitur vice Epiſcopi* univerſaliter; by way of diſtinction from that Archdeacon, qui habet *diſtinctam* limitationem *ſui Archidiaconatûs*, *& Juriſdictionem* ſeparatam *ab Epiſcopo*. And the firſt of theſe is the Archdeacon, that we find deſcribed in the Body of the Canon-Law: *Ut Archidiaconus poſt* Epiſcopum *ſciat ſe* Vicarium *eſſe ejus in omnibus*, *& omnem Curam in Clero (tam in* Urbe *poſitorum*, *quàm eorum qui per* Parochias *habitare* noſcuntur) *ad ſe pertinere*, *ſive de eorum Converſatione*, *ſive honore* [onere *in marg.*] *& reſtauratione Eccleſiarum*, *ſive Doctrinâ Eccleſiaſticorum*, *vel cæterarum rerum ſtudio*; *&* Delinquentium *rationem coram Deo redditurus eſt*. *Et ut de* tertio *in* tertium *annum*, *ſi Epiſcopus non poteſt*, Parochiam univerſam *circumeat*, *& cuncta quæ Emendatione indigent*, *ad vicem ſui Epiſcopi corrigat & emendet*. And, to the ſame effect it is ſaid in the ſame Title, by Pope *Innocent* the third. *Sanè conſuluit nos tuæ fraternitatis devotio*, *quid ad officium Archidiaconi debeat pertinere*, *& in quibus per ipſum cura Epiſcopalis ſolicitudinis debeat relevari*; *& nos prout poſſumus reſpondemus: Archidiaconus (ſecundùm ſtatuta beati Iſidori) imperat Subdiaconis & Levitis*; *Parochiarum ſolicitudo & earum ordinatio ad ipſum pertinet*, *& audire debet jurgia ſingulorum*. *Archipreſbyteri autem*, *qui à Pluribus Decani nuncupantur*, *ejus juriſdictioni ſe noverint ſubjacere*. *Secundùm verò Romani ordinis conſtitutionem*, *major Poſt Epiſcopum & ipſius Epiſcopi Vicarius reperitur*, *omnem ſolicitudinem & curam*, *tàm in Clericis*, *quàm in Eccleſiis eorum (prout melius ſecundùm Deum poterit) impendendo: cum ſuper his ſit redditurus rationem in diſtricti examinis judicio*. *Item in Epiſtola B.* Clementis *Papæ Prædeceſſoris noſtri*, Oculus Epiſcopi *Archidiaconus appellatur*, *ut*, *loco Epiſcopi per Epiſcopatum* proſpiciens, *quæ corrigenda viderit*, *corrigat & emendet*, *niſi adeò fuerint* ardua *negotia*, *quòd abſque majoris ſui præſentiâ nequeant terminari*.

Extra. l. 1. t. 23. c. 1.

Ibid. c. 7.

2. That the Power of the Archdeacons, in that *ancient* ſtate, was chiefly a Power of *Enquiry*, and *Inſpection*: Which *Lyndwood* calls *Scrutatio ſimplex*, where he ſays, *Viſitationem per modum* Scrutationis ſimplicis, *tanquam* Vicarius Epiſcopi, *habet Archidiaconus* de jure Communi: *Sed*, *in tali Scrutatione*, *ut nomine ſuo Correctiones faciat*, *præterquam in levioribus*, *niſi Conſuetudo hoc ſibi tribuat*, *jus non habet*. The like Doctrine, to that which had been delivered long before by *John de Athon*, *De jure communi Archidiaconi* majora negotia *ſibi non habent uſurpare*, *ſed talia eorum Epiſcopis nunciare ſeu intimare*. Beyond this, all the Rights that any Archdeacon enjoys, of what kind ſoever they be, ſubſiſt by *Grants* from

Lyndw. de Offic. Archid. *Ut Archid.* v. *Viſitatione.* p. 49.

Othob. de Conc. v. *Nunciare.* p. 93.

the Biſhops; either made *voluntarily*, to enable Archdeacons to Viſit with greater Authority and Effect; or *of neceſſity*, as claimed and inſiſted on by Archdeacons, upon the foot of long Uſage and Cuſtom; or by *Compoſition*; of which we find the Evidences ſtill remaining in ſeveral Sees of the old Foundation: partly, in the *Agreements* between them, ſtill preſerved in the reſpective Records, and partly in Sums of Money paid yearly by the Archdeacons to the Biſhops in Conſideration of the Juriſdiction they enjoy, and uſually called *Præſtations.* But, whatever might be the *Motive* to theſe Conceſſions on the part of the Biſhops; I doubt not but all the Powers enjoyed by any Archdeacons, beyond that which they claim of Common Right, accrued to them by expreſs *Grant* or *Compoſition* (however the Evidences may be loſt:) it being hard to imagine, how Deans and Chapters, Archdeacons, or any other Perſon or Perſons whatſoever, ſhould be allowed to *Preſcribe* againſt a Biſhop, for any Branches of Epiſcopal Juriſdiction, and much more for an Exemption from it; whatever the Writers of Common, or even of Canon-Law, may talk about *Cuſtom* or *Preſcription* in that matter: The *firſt* of which are apt to meaſure all Eccleſiaſtical Matters by their own Rules; and the *ſecond* (being uſually employ'd in Juriſdiction under the Biſhops) may be ſuppoſed too favourable to the *Derivative Powers* of all kinds.

2 Rolle, 150, 449.
2 Ventr. 189, 269.

But, in virtue of ſuch *Grants*, and of Inſtitution to the Office they are annext to; not only the Juriſdiction he enjoys, is, in the Eye of the Law, *Ordinary Juriſdiction*, as being in reality a Branch of Epiſcopal Power, but he himſelf is properly *Ordinarius*; and is recognized as ſuch by the Books of Common-Law, which adjudge an Adminiſtration made by him to be good, tho' it is not expreſſed by what Authority, becauſe, as done by the Archdeacon, it is *preſumed* to be done *Jure Ordinario.*

2 Cro. 556.
Palm. 97.
Siderf. 302.
1 Lev. 193.

Diviſion of *Dioceſes* into *Archdeaconries.*
Still. Eccl. Caſ. l. 1. p. 353.
Vid. Tit. 44.
Of Archdeacons.

As to the Diviſions of Dioceſes into *Archdeaconries*, and the Aſſignment of particular Diviſions to particular Archdeacons; this is ſuppoſed to have begun a little after the *Norman* Conqueſt: When the Biſhops, as having Baronies, and being tied by the Conſtitutions of *Clarendon* to a ſtrict Attendance upon the Kings in their Great Councils, were obliged to larger Delegations of Power for the Adminiſtration of their Dioceſes, than, till that time, had been accuſtomed. For in the Charter of *William* the Conqueror, for appointing the Cogniſance of Eccleſiaſtical Cauſes in a diſtinct Place or Court from the Temporal, the Archdeacon is mentioned in his ancient *general ſtate*, as *Vicarius Epiſcopi: Nullus Epiſcopus vel* Archidiaconus *de Legibus Epiſcopalibus amplius in Hundret Placita teneant:* And, as this Charter did eſtabliſh what we call the *Conſiſtory Court* of the Biſhop in every Dioceſe; ſo did it enable the Biſhop, by degrees, to aſſign to particular Perſons what Share of Epiſcopal Juriſdiction he thought fit, to be exerciſed *Archidiaconally* within the Diſtricts by him appointed: and as this Exerciſe, by long Uſage, grew into a Claim; ſo thoſe Claims, ſtifly maintained on the part of the Archdeacons, ended in *Compoſitions.* Which ſaid Aſſignment of particular Powers to particular Perſons, within their proper Diſtricts, put an end to the *general Capacity* of Archdeacons, as Vicars-General throughout the whole Dioceſe; and made way for thoſe Officers, who are known in our Provincial Conſtitutions, and the Gloſſes upon them, by the Names of *Vicar-General, Official,* and *Chancellor* to the Biſhop; and who are veſted with a *Delegated Power* to exerciſe, in the place of the Biſhop, all ſuch Juriſdiction as hath not been *granted away* to others, or that he hath not, in the Commiſſion, *reſerved* to himſelf.

Archdeacon's Court.
2 Ventr. p. 269.

With regard to the *Archdeacon's Court*; it was ſaid by the Juſtices of the Common-Pleas, 2, 3 *Will. & Mar.* in the Caſe of *Woodward* and *Fox*, "That tho' it might be ſuppoſed *originally*, that "the Juriſdiction within the Dioceſe was lodged "in the Biſhop; yet the Archdeacon's Court "had, *time out of mind*, been ſettled as a diſtinct "Court; and that the Stat. 24 *Hen.* 8. *c.* 12. "takes notice of the Conſiſtory-Court, which "is the Biſhop's; and of the Archdeacon's "Court, from which there lies an Appeal to the "Biſhop's.

Palm. 521.

And, with regard to the Archdeacon's Viſitation; we find, that one *Huntly*, in the third year of *Charles* the firſt, was convened before the High-Commiſſioners, for this, among other Reaſons, That he refuſed to *Preach* at the Viſitation of the Archdeacon: and being alſo by them committed to Priſon, and this, one of the Cauſes returned upon the *Habeas Corpus*; he alledged, that he had no Licence to Preach; and *Calthorp* ſaid, the proper Puniſhment was not Impriſoning, it being a matter of *Ordinary* Cogniſance.

1 Cro. 141.
Owen. 99.

Beſides what hath been mentioned, nothing appears in the Books of Common-Law (as far as I have obſerved) but a Judgment given 31 *Eliz.* that a *Quare impedit* lies for an Archdeaconry, tho' but a *Function* or *Office*, becauſe he hath *Locum in Choro:* And, as to his more ancient Rights, *viz.* of *Examining* and *Preſenting Perſons to be Ordained*, and of *Inducting Perſons Inſtituted*, they are ſpoken to in the proper places *. So that the only thing I ſhall ſay further upon this head, is, That in the year 1127, in the Council at *Weſtminſter*, it was ordained, (ſub Anathemate) *Ut nullus Archidiaconus diverſis Epiſcopatibus* diverſos *Archidiaconatus teneat*; and, by the *Reformatio Legum*, concerning the Office, *Sit* Preſbyter, *& in perpetuis* Excubiis, *ut qui in Functionibus ſunt Inferioribus diligenter ſuum officium faciant. Sint itaque* Oculi Epiſcopi. *In Archidiaconatu* reſideant, concionentur, paſcant, Viſitent. — *Annis ſingulis bis, aut ad minimùm ſemel, Archidiaconatum ſuum perluſtrabit.* — *Etiam ante viginti dies, poſt Viſitationem ejus abſolutam, omnes Populi querelas, omnes Offenſiones, omnes Inferiorum Miniſtrorum Errores, omnem denique Actionum ſuarum ſeriem* Epiſcopo *deferet: ut per eum, tanquam per* Oculi Organum, *quid rectè, quid ſecùs, per univerſam Diœceſin geratur, Epiſcopus videat.*

* V. ſuprà. p. 140. & p. 815.
Spelm. 2 Vol. Conc. p. 36.
Ref. Leg. 48. b.

Of RURAL DEANS.

Original of the *Name.*

THE Name of **Dean**, (to what kind of Office ſoever it hath been applied) was originally impoſed from a Preſidency over *Ten*; whether *Perſons* or *Places*. Thus, the Original of that Name in Cathedral Churches, was a Preſidency over *ten* Presbyters: and in the Laws of *Edward* the Confeſſor, it is ſaid, *Statuerunt Juſtitiarios ſuper quoſque* decem Friborgos, *quos* Decanos *poſſumus appellare*; *Anglicè verò* Tienheofod *dicti ſunt*, i. e. Caput de decem: And *Lyndwood*, of Rural Deans, *Dicuntur* Decani, *eò quòd* decem *Clericis ſive Parochiis præſint.*

Kennet, Paroch. Ant. p. 633.

Which ſaid Diviſion in the *State*, is ſuppoſed by a Learned Perſon, to have been the *foundation* of a like Diviſion in the *Church*, (as in fact it was, in the Exerciſe of Juriſdiction by *Patriarchs, Primates*, and *Metropolitans*, who were appointed in the Church, according to the like *Subordinations* in the State;) a Conjecture the more plauſible, if it be certain in fact, that the Office of Rural Deans hath only been found among the *Northern Nations*, as *Germany, France, England*, &c. where was the like Government in the *State*, to that deſcribed in the forementioned Law of *Edward* the Confeſſor. And as in the State, every Hundred was at firſt divided into ten Tythings or *Friborgs*, and every Tything was made up of ten Families; both which kept the *Original* Names, notwithſtanding the Increaſe of Villages and People; ſo, in the Church, the Name of *Deanrie* ſtill continued, notwithſtanding the *Increaſe* of Perſons and Churches. "Some Deanries (ſaith the ſame Learned Writer) do ſtill "retain the Primitive Allotment of *ten* Churches; eſpecially in *Wales*, where the moſt ancient "Uſages continue: In the Dioceſe of St. *Aſaph*, "the Deanries of *Bromfield* and *Tale*, and of *Kidwen*; in *Bangor* Dioceſe, the Deanries of *Llin* "and *Llivon*; in the Dioceſe of *Llandaff*, the "Deanry of *Uſk*; in the Dioceſe of St. *Davids*, "the Deanry of *Emlyn*" — And, with regard to *other* parts, he adds, "That ſeveral other Deanries, which upon a new Diviſion were made up "of two conjoined, or three contracted into "two or one, do now contain the Number of "*fifteen, twenty* or *thirty* Churches, according to "the Diviſions ſo made."

In the Language of the Church, Deans of all kinds are called *Archipresbyteri*; and (not to mention *Cathedral Deans, &c.* whoſe preſidency was only over perſons, and who belong not to this place) the Archipresbyters, who were ſet over parochial Churches and their Incumbents, were ſuch as preſided either over Churches in the *City*, therefore called *Urbani*, or over Churches in the *Country*, and ſo called *Vicani* and *Rurales*: And the Laws and Conſtitutions ſpeak of theſe, ſometimes under the Name of *Decani* ſimply, and ſometimes with the addition of *Rurales*; by which, both are diſtinguiſhed from the Archipresbyter or Dean of the *Cathedral* Church.

Vide ſupr. p. 172.

But whether any other beſides the *Decanus Urbanus* had the ſtyle of *Decanus Chriſtianitatis*, I muſt leave to the judgment of the Reader; after having told him, that in a Viſitation of the Archdeaconry of *Exeter*, it is particularly ſaid concerning the *City*-Deanry, *In Decanatu Chriſtianitatis civitatis Exon.* (and the ſame is *repeated* in the account of the Profits, which, *ſede vacante*, belong'd to the Archbiſhop;) and that, in the year 1293, the like mention is made, with regard to the *city of Canterbury, Thomas, Prior Eccleſiæ Chriſti Cant. Guido, Prior S. Gregorii, & Thomas*, Decanus Chriſtianitatis *ejuſdem civitatis, eadem Privilegia inſpexiſſe, ad certitudinem futurorum, teſtati ſunt.*

Regiſtr. *Mort.* f. 119, a.

Ibid. f. 132, a.

Chron. Thorn.

Rural Deans, by whom appointed.

Leg. *Edw.* Conf.

The *Office* is mentioned, in the Laws of *Edward* the Confeſſor, as an Office of *Antiquity* at that time; where, deſcribing the *Uſage* of *England*, and ſpeaking of an Emendation or Fine of 8 *l.* for Breach of the King's Peace, it is ſaid, *Decanus autem* Epiſcopi, *in cujus* Decanatu *pax fracta fuerat, reliquos decem ſolidos habebat.*

And as he is there called *Decanus Epiſcopi*; ſo, without doubt, he was *appointed* by the Biſhop to have the Inſpection of Clergy and People within the Diſtrict in which he was Incumbent, under *him*, and *him alone*; in like manner, as the Archipresbyter at the *Epiſcopal See*, was one of the College of Presbyters, appointed at the pleaſure of the Biſhop, who in his Abſence might Preſide over them, and, *under him*, have the chief Care of all matters relating to the Church. But, as in proceſs of time, by the conceſſions of the Biſhops, the Cathedral Archipresbyter or Dean became *Elective*, and, being choſen by the College of Presbyters, or the Chapter, was only *Confirmed* by the Biſhop; ſo, after the Archdeacon, by the like Conceſſions, became a Sharer in the *Adminiſtration of Epiſcopal Juriſdiction*, he became of courſe a Sharer in the Appointment of Rural Deans, who from the beginning were Aſſiſtants to the Biſhop in that Adminiſtration. Hence is that, in the Decretal Epiſtle of *Innocent* the third, in the Body of the Canon Law, *Quæſiviſti, utrum* Decani Rurales *qui pro tempore ſtatuuntur, ad mandatum tuum ſolum, vel* Archidiaconi, *vel etiam* utriuſque, *inſtitui debeant vel deſtitui, ſi fuerint amovendi. Ad hoc breviter reſpondemus, quòd cùm ab omnibus quod omnes tangit, approbari debeat, & cùm commune eorum Decanus Officium exerceat*, communiter eſt eligendus, *vel etiam* amovendus. And *Lyndwood* has tranſplanted this Doctrin into his Commentary. *Dicit* Innocentius, *quòd ſunt perſonæ habentes quædam Officia* communiter *ſpectantia ad* Epiſcopum *&* Archidiaconum, *& ideò* communiter *eorum Receptio & Amotio pertinet ad utrumque*; And, *Sunt hi* Decani Temporales, *ad aliquod Miniſterium ſub Epiſcopo vel Archidiacono exercendum*; And, *Qui ſub Archidiacono quandoque certum Miniſterium habent*; And, *Vicarii Epiſcoporum & Archidiaconorum.* And *John de Athon*, before him, with like reference to the Rule of the Canon Law, *Decanatus Rurales, & per conſequens* Decani *ibi, præfecti ſunt ipſorum* Archidiaconorum; *ſed certè ſalvâ Conſuetudine Locorum tam præfici debent* Decani *tales, quàm etiam amoveri, per Epiſcopum & per Archidiaconum ſimul de jure*; where the Clauſe, *Salvâ Conſuetudine Locorum*, explains the Gloſs [*ſecundum Conſuetudinem Loci*] on the word *Communiter*, in the fore-going Conſtitution of *Innocent* the third.

Extra. l. 1. t. 23. c. 7.

Lyndw. de Jud. c. In Cauſ. v. *Dec. Rur.* p. 79.

Ibid. de Conſt. c. *Quia Inc.* v. *Decanos.* p. 14.

Otho, de 7 Sacram. v. *Decanatuum.* p. 8.

Diſt. 63. c. 20.

On the other hand, it is ſaid in *Gratian*, out of *Iſidore*, in *Lib. Offic.* that the Archipresbyter or Rural Dean ſhould be *Elected*: *Si in Plebibus* Archipresbyteri *obierint, aut pro aliquo reatu exinde ejecti fuerint*, Archidiaconus [Speciali autoritate Epiſcopi ——— niſi hoc habeat de Conſuetudine præſcriptâ, *Gloſſ.*] *quantò ociùs proficiſcatur illuc, & cum Clericis & Populis* [al. *Presbyteris*, in marg.] *ipſius Plebis Electionem faciat; quatenus dignus Paſtor domui Dei conſtituatur, & dum ordinatur, ejus Providentiâ ipſa Plebs cuſtodiatur.*

Ref. Leg. 48, a.

In the *Reformatio Legum*, the Rule is, *Decanatus* Archipresbyterum Ruſticanum *habeat, vel ab Epiſcopo, vel Eccleſiæ* Ordinario, *præficiendum*; and in the year 1562. among the Regulations then intended, one was, *That in every Deanry in the Country, there may be conſtituted* by the Biſhop, *one grave and diſcreet Prieſt, to be* Archipresbyter, *or* Decanus Ruralis. Which Act of *conſtituting*,

Str. Ref. 285.

by the Canons of 1571, *ſuppoſes* the previous Recommendation of the Archdeacon, *peractâ Viſitatione, Archidiaconus ſignificabit Epiſcopo, quos invenerit in quoque Decanatu, eâ doctrinâ & judicio præditos, ut digni ſint qui pro concione doceant populum,* [for, Preachers in thoſe days were rare,] *& præſint aliis. Ex illis, Epiſcopus poteſt delectum facere, quos velit eſſe* Decanos Rurales.

Coll. Can. 229.

But, by whomſoever Rural Deans were appointed, the Office hath always been of a Temporary Nature: which is *ſuppoſed* in the foregoing *Rules* concerning the *Removal* of them, as there ſhould be occaſion; and is expreſly ſaid by *John de Athon, Eſt* amotivus *ad nutum Superioris, cujus eſt Miniſter —— unde* ſibi non præſcribit *hujuſmodi Decanus, etiamſi poſſeſſionem hujuſmodi diutiùs continuâſſet*; and by *Lyndwood, ſunt hi Decani* temporales. Which was the reaſon why the Seals they had for the due Return of Citations, and the diſpatch of ſuch Buſineſs as they ſhould be employed in, had only the Name of the Office (and not, as other Seals of Juriſdiction, the Name of the Perſon alſo) engraven in it; and if they refuſed to deliver it up, we ſee they were puniſhable by the foreſaid Conſtitution of *Otho.* To this may be added, that in the *Reformatio legum*, the Rule is, *Munus erit annuum.*

Otho, de Cauſ. Matr. v. *Decani.* p. 59.

Lyndw. de Conſt. c. *Quia Incont.* v. *Dec. Rur.* p. 14.

Ref. Leg. 48, a.

But in the Dioceſe of *Norwich*, the Admiſſion of Rural Deans ſeems to have been more *ſolemn* than elſewhere, and their Continuance *perpetual:* for I find, while that See was vacant, in the time of Archbiſhop *Witleſey, Collations* to ſeveral Rural Deanries there (whereas in other places they are called *Admiſſions* only) and, in an ancient Metropolitical Viſitation of the ſame Dioceſe, the firſt in every Deanry is ſuch an one, *perpetuus Decanus.* To which may be added, what we find before, in the Regiſter of Archbiſhop *Peccham*; who commands the Biſhop to ſequeſter *proventus omnium Decanatuum, in quibus* Decani, *& in Sacerdotio Conſtituti, non faciunt perſonalem Reſidentiam.*

Regiſter, Witleſ. 143, a. 151, a.

Mort. (4 Epp.) f. 94, a.

Regiſter, Pecc. 175, a.

Office of Rural Deans.

The proper Office of a Rural Dean (however conſtituted) was, the *Inſpection* of the Lives and Manners of the Clergy and People, within their Diſtrict, in order to be *reported* to the Biſhop. So it is deſcribed in the Body of the *Canon Law*; "Ut ſingulæ Plebes *Archipresbyterum* habeant, "propter aſſiduam erga populum Dei curam; "qui non ſolùm imperiti Vulgi ſolicitudinem ge"rant, verùm etiam Presbyterorum qui per mi"nores Titulos [*i. e. Eccleſias*] habitant, vitam "jugi circumſpectione cuſtodiant; & quâ unuſ"quiſque Induſtriâ divinum Opus exerceat, Epiſ"copo ſuo renunciet. Nec contendat Epiſco"pus, non egere Plebem Archipresbytero, quaſi "ipſe eam gubernare valeat; quia etſi valdè ido"neus ſit, decet tamen ut ſua onera partiatur: & "ſicut ipſe Matrici Eccleſiæ præeſt, ita *Archipreſ*"*byteri* præſint Plebibus, ut in nullo titubet Ec"cleſiaſtica Solicitudo. Cuncta tamen referant "ad Epiſcopum, nec aliquid contra ejus Decre"tum ordinare præſumant." The like Deſcription of this Office is alſo found in the *Reformatio Legum*; *Hic, tanquam in ſpeculâ, Presbyteris, Diaconis, Guardianis, & Æditius, ut ſinguli quæ ad eorum munus attinent, præſtent, perpetuò invigilabit.* And, after an enumeration of divers Crimes, it follows, *Vocandi ad ſe, & examinandi horum ſcelerum ſuſpectos, authoritatem habeat, omnem accuſationis ortum, ſive per famam publicam, ſive deferentium teſtimonio probatum vel ſuſpectum, Epiſcopo, aut ejus loci Ordinaro, in decem dies in ſcriptis prodet.* And where, in the Plan that was under conſideration *ann.* 1562, the ſame Duty is laid out, it is expreſly added, *But the ſaid Dean not to* determine *any thing in thoſe Matters.*

Extra. l. 1. t. 24. c. 4.

Ref. Leg. 48, a.

Of Rural Deans.

This Report to be made to the Biſhop concerning the Manners of the Clergy, and People, rendred them *neceſſary Attendants* on the Epiſcopal Synod or General Viſitation, which was held for the ſame end of *Inſpecting* in order to Reformation: and they might, on account of the Informations given by them be ſometimes called *Teſtes Synodales*; but not, I conceive, *excluſive* of the *Teſtes Synodales* properly ſo called, or that theſe *ſucceeded* the Rural Deans in the Office of *Detecting* (however thoſe things have been affirmed;) ſince they have no ſuch Title given them, in any Canon or Conſtitution, that I have met with; and it is alſo certain, that the calling-out the *Teſtes Synodales* at Synods, was in practice, long before the *declining State* of the Rural Deans.

Vid. ſuprà, p. 960.

But however, at firſt, the Office of Rural Deans was merely *Inſpection*; by degrees they became poſſeſſed of a Power to Judge and Determin in ſmaller Matters; and therefore upon the forementioned Rule of the Canon Law, at the words, *Cuncta tamen referant ad Epiſcopum,* the Gloſs deſcribes the Improvement of their Power by *Cuſtom, Præter* minora, *quæ ipſi Archipresbyteri determinare poſſunt, cùm habeant Ordinariam Juriſdictionem*: Which is, in effect, the ſame Conſtitution, that we find in the Laws of *Edward* the Confeſſor, concerning the *Decemvir,* or the Head-Man of every Tything, in the *State:* "Iſti inter villas & vicinos Cauſas tracta"bant, & ſecundùm forisfacturas Emendationes "capiebant, & Concordationes faciebant, vide"licet, de Paſcuis, Pratis, Meſſibus, & de Liti"gationibus inter Vicinos, & innumerabilibus "hujuſmodi decertationibus, quæ humanam fra"gilitatem infeſtant, & eam inceſſanter oppug"nant. Cùm autem Cauſæ *Majores* erumpebant, "referebantur ad Superiores eorum Juſtitiarios, "*&c.*

Extra. l. 1. t. 24. c. 4. vid. Col. præced.

Leg. Edw. Conf. c. 32.

This then was the *ſtanding* Office of Rural Deans, To inſpect the Manners of the People and Clergy, To determine leſſer matters themſelves, and to report the reſt to their Eccleſiaſtical Superiour. But, as to other Branches of Power (ſuch as Inductions, Inquiſitions on *Jure Patronatûs*, Cuſtody of vacant Benefices, Trial of Cauſes by Delegation, and the like,) which have been placed to their account, *as Branches of the Office*; in theſe, they ſeem only to have been *Occaſionally* employed by their Eccleſiaſtical Superiors, to whom they ſwore Obedience at their Admiſſion. And therefore the ſaying that they were *ſometimes employed* in ſuch matters, would have been leſs apt to *miſlead* the Reader, than the repreſenting ſuch *Duties*, wherein they were but *occaſionally* employed, as *powers* of *right* belonging to the Office.

Kennet, Par. Ant. p. 632.

It hath been alſo affirmed, that *parochial Viſitations* are part of the Office; and it is true, that where the *Lateran* Council determines the *Retinues* of *Viſitors*, and allows to *Archdeacons* five or ſeven Horſes; it is added, *Decani conſtituti ſub* Epiſcopis [al. *ipſis*, in marg.] *duobus equis contenti exiſtant*: but I may venture to ſay, that, tho' the ſaid *Lateran* Canon is transferred by the *bulk* into the Canons of the Council of *London*, *ann.* 1200; yet in all the Provincial and Legatine Conſtitutions, or the Gloſſes upon them, there is not the leaſt intimation of their being *parochial Viſitors*, or their having any *concern* therein; which Work, by the whole tenor of them, is ſuppoſed to belong wholly to *Archdeacons*, as the Legal Adminiſtrators of that Branch of the Epiſcopal Juriſdiction.

Ib. 646.

Spel. V. 2. p. 124.

Of RURAL CHAPTERS.

Of Rural Chapters.

TO the end, Rural Deans might be effectually enabled to anſwer the *deſign* of their Inſtitution, by a perfect knowledge of the State and Condition of their reſpective Deanries; they had a Power to convene *Rural Chapters:* the Manner of which I cannot better deſcribe, than in the words of *Lyndwood*; *Quandoque* Capitulum *ponitur pro Collectione plurium, & non* communiter *viventium, ſed ob* tractatus Communes *inter ſe habendos ad aliquem locum confluentium*; *ſecundùm quem modum Collectio Rectorum, Vicariorum, & aliorum Virorum Eccleſiaſticorum ob hujuſmodi* Tractatus Communes *inter ſe habendos, etiam dicitur* Capitulum. *Et quia, ut* communiter, *hujuſmodi Capitula celebrantur in locis* minus inſignibus, *viz. in* Rure *conſtitutis*; *hinc eſt quod* Capitula Ruralia *dicuntur. Et horum Capitulorum quædam tenentur de* tribus Ebdomadis *in tres: Quædam ſemel in quartâ anni*; *& hæc dicuntur* Capitula Principalia, *propter majorem Confluentiam Cleri, & quia in his de negotiis arduioribus tractari conſuevit.* — *Lyndw.* De Conſt. c. *Quia Incon.* v. *Capitulis.* p. 10.

Thoſe Chapters that were held from three Weeks to three Weeks, ſeem to have been ſettled in imitation of the *Courts Baron* here in *England.* Which we may well ſuppoſe, not only becauſe the ſtyle of Courts-Baron generally was, *De tribus Septimanis in tres Septimanas*; but alſo, becauſe we find nothing of Rural Chapters in the ancient Canon Law: and *Lyndwood* intimates plainly enough, that they were, in good meaſure, *peculiar* to this Nation, when he ſays, *De his quia* magis *nituntur Conſuetudini Patriæ, quàm* Juri communi, *hic de eis ulterius ſcribere omitto.* — *Lyndw.* ib.

In the year 1195, when Archbiſhop *Hubert,* as the Pope's Legate, held a Council at *York*; one of the Decrees was, That when a Perſon lay under the Cenſure of Common Fame for any Crime, he ſhould be admoniſhed to amend three ſeveral times *per Decanum loci:* and if he did not amend, then that the Dean ſhould admoniſh and reprove him again, in the preſence of *two* or *three,* who were *Witneſſes* of the Fame: After which, he goes on, *Si nec ſic videatur corrigi, dicatur Eccleſiæ, ſcil. arguatur in* Capitulo, *ut Convictus vel Confeſſus, Canonice puniatur*; *inficianti, ſi convinci non poterit, canonica purgatio indicetur.* Theſe and the like Meaſures for detecting and ſuppreſſing of Vice, together with the *conventus communes* (which *Lyndwood* ſpeaks of) for the good of the Church and Religion within the Deanries, and the publiſhing of the Conſtitutions and Orders made in the Provincial and Dioceſan Synods; ſeem to have been the *proper Work* of Rural Chapters. — Spel. Vol. 2. p. 122. §. 18.

In theſe Chapters, *preſided* the Rural Deans; till *Otho* required the Archdeacons to be frequently preſent at them; who being *Superior* to the Rural Deans, did in effect take the *preſidency* out of their hands: inſomuch, that in *Edward* the firſt's Reign, *John de Athon* gives this account of it; *Capitula Ruralia hodie tenentur per Officiales Archidiaconorum, &* quandoque *per Decanos Rurales*; *i. e.* (as I underſtand it) by the Officials, in the abſence of the Archdeacon; and by the Dean Rural, only in the abſence of *both.* From which conſtitution we may date the Decay of *Rural Chapters*; not only as it was a Diſcouragement to the Rural Dean, whoſe peculiar care the holding of them had been; but alſo, as it was natural for the Archdeacon and his Official to draw the Buſineſs that had been uſually tranſacted there, to their own Viſitation, or (as it is ſtiled in a Conſtitution of Archbiſhop *Stephen*) to their own *chapter.* — *Otho,* de Archid. p. 54. — *Lyndw.* De Cenſ. & Proc. c. *Ut Archid.*

CAP. IX.

PROCURATIONS, *and other Duties for Viſiting.*

A.D. 1222.
6 *H.* 3.

STEPHANUS.

Prælati nihil à Subditis extorqueant.

Lyndw. Edit. Oxon. p. 221.

UT Archidiaconi, & *infrà.* Archidiaconis, Decanis, & Officialibus eorum diſtrictiùs Inhibemus, nè in ſubditos ſuos exactiones, vel tallias, per ſe vel per alios exercere, vel extorquere præſumant. — Archdeacons, &c. ſhall not exact upon the Clergy.

A.D. 1222.
6 *H.* 3.

STEPHANUS.

Ut Viſitationes Eccleſiarum fiant ab Archidiaconis ſine ipſarum gravamine, nullum invitent niſi fuerit à Rectore Eccleſiarum invitatus, nec die Viſitationis, Capitulum celebrent, niſi in Burgo vel Civitate; *nec Procurationem recipiant ſine cauſa rationabili, nec pro Viſitatione redemptionem extorqueant.*

Lyndw. Edit. Oxon. p. 219.

UT ſingula Eccleſiaſtica Officia in Eccleſia Die ritè procedant, Statuimus, nè Archidiaconi nimium graves Eccleſiis ſibi ſubjectis exiſtant; diſtrictius inhibentes, ne ſtatutum in[o] Concilio Generali evectionis numerum excedant, ſed Viſitationis nomine — Archdeacons, in their Viſitations, ſhall not burthen the Clergy, with

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[n] Concilio Generali.] *Scil. Lateran. ſub* Alexandro *tertio, ut ſequitur.* —— "Statuimus, quòd *Archiepiſcopi* Parochias Viſitantes, pro diverſitate Provinciarum, & facultatibus Eccleſiarum, *quadraginta* vel *quinquaginta* Evectionum numerum; *Epiſcopi* autem *viginti* vel *triginta*; *Cardinales viginti,* nunquam excedant. *Archidiaconi* verò *quinque* vel *ſeptem*; *Decani* [i. e. Archipresbyteri rurales, *Gloſs.*] conſtituti *ſub* † *Epiſcopis*, duobus *Equis contenti exiſtant.*"

† Aliàs *Ipſis.*

Attendants, nor with Gueſts invited,

debitam ſibi recipiant Procurationem. Nec ad eam Procurationem venientes, extraneos, ut ſecum veniant, invitare præſumant. Si tamen pro honore Archidiaconi Eccleſiarum Rectores velint aliquos invitare, hoc nullatenus prohibemus. Sed ipſi Archidiaconi nullum invitent, nè fortè qui per ſuum adventum Eccleſias non gravarent, tamen gravent per invitatos: Unde ut eis ſubtrahatur neceſſitas invitandi, Prohibemus, nè Archidiaconi *p* die Viſitationis ſuæ apud Eccleſiam quam viſitant *q* Capitulum celebrent; niſi fortè in Burgo vel Civitate *r* Eccleſia ſit conſtituta. Ad hæc, Archidiaconis diſtrictius Inhibemus, nè *rr* aliquo modo Procurationem recipiant ſine cauſa rationabili, niſi illo die quo *s* perſonaliter viſitant Eccleſiam procurantem, nec redemptionem *t* pro Viſitatione extorquere præſumant.

—nor ſhall they ordinarily, hold a Chapter on the ſame day,

—nor take unreaſonable Procurations.

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p Die Viſitationis.] *Poteſt enim Viſitator unâ die morari apud Eccleſiam Viſitatam.* Lyndw.

q Capitulum.] *In quo congregantur Rectores & Vicarii ipſius Archidiaconatûs, ad communes Tractatus, & alia inibi facienda.* Lyndw.

r Eccleſia.] *Quia in talibus Burgis, & Civitatibus, abundant Hoſpitia; & eſt, ut communiter, in eis copia Victualium; ſic quòd propter ſupervenientes non oportet Curatum Eccleſiæ Viſitatæ gravari in ſuâ Procuratione, ultra expenſas Archidiaconi* & *familiæ ſuæ.* Lyndw.

rr Aliquo modo.] *Scil. nec in Victualibus, nec in Pecuniâ, nec in aliquâ aliâ re loco Pecuniæ.* Lyndw.

s Perſonaliter.] *Ad perſonalem enim Viſitationem tenetur quilibet Ordinarius, cui competit Officium Viſitationis; ſi tamen rationabiliter impeditus ſit, poteſt Viſitationis Officium per alium exercere.* Lyndw.

t Pro viſitatione.] *i. e. Ut non Viſitentur Subditi; vel potes intelligere, pro Viſitatione non factâ forſan, quia Epiſcopus eodem anno Viſitavit, & ſuſpendebat Juriſdictionem Archidiaconi; & ſic Archidiaconus vult ab eis aliquid loco Procurationis exigere; quod non licèt, ut hîc, ubi non Viſitavit. Si tamen Viſitet, bene valet Redemptio Procurationis debitæ in Victualibus; ut ſcil. pro Procurationibus hujuſmodi aliquid certum accipiat.* Lyndw.

OTHO.

A.D. 1237.
22 *H.* 3.

In Conſt. *De* Archdiaconis.

Archdeacons ſhall be moderate in their Procurations.

Otho. Edit. Oxon. p. 53.

—— Eccleſias autem non gravent ſuperfluis expenſis, ſed Procurationes exigant duxtaxat cum viſitant, moderatas: non ducant *u* ſolum extraneos, ſed modeſtè ſe habeant tam in Familiâ quàm in Equis.

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u Solum.] *Aliàs, ſecum.* Lyndw.

OTHOBON.

A.D. 1268.
52 *H.* 3.

Nullus Prælatorum ratione Viſitationis Procurationem exigat, niſi viſitet: aliter, donec reſtituerit, ab ingreſſu Eccleſiæ ſuſpendatur. Nec Viſitantes ſubditos ſuos, ultra conſtitutum ab Innocentio *quarto expoſtulent: & ſi contra recuſantes Excommunicationis ſententiam tulerint, nullius ſit efficaciæ. Sed neque oneroſam ducant ſecum multitudinem, quæ turbationem pariat, ſed moderatam, juxta* Lateranenſis *Concilii Decretum.*

The Church Viſited ought in reaſon to entertain the Viſitor;

Othob. Edit. Oxon. p. 114.

Naturalis diſpoſitionis effectus ſemen reddit ſerenti, & fructum laboris multiplicat operanti. Abſurdum verò ſimul & iniquum nemo dubitat, ibi quemque, ubi non ſeminat, metere, & ex his colligere quæ non ſpargit.

Ex his Sacrorum Canonum proviſio æquitate ponderata decrevit, ut Eccleſia, quæ Viſitationem recepit, in Temporibus & Spiritualibus Eccleſiarum bonis ſalubriter conſtitutis inſtitutam procurationem exhibeat viſitanti. Cùm autem ratione Viſitationis procuratio debeatur, ſi quid exigatur, vel recipiatur, hujuſmodi ratione ceſſante, jam malè recepti & indebiti nomen ſubiit.

—but where no Viſitation is, there ſhall be no Procuration;

Cùm igitur intellexerimus, quòd plerique Prælati Procurationes, à ſubditis exigunt, licèt Viſitationis Officium non impendant, Nos tam Eccleſiarum indemnitati, quàm Prælatorum ſaluti conſultiùs providentes, diſtrictiùs Inhibemus, nè quis eorum Procurationem, quæ ratione Viſitationis debetur, ab Eccleſia quacunque recipiat, niſi cum eidem Viſitationis Officium impendit; qui verò receperit, donec reſtituerit, ab ingreſſu Eccleſiæ ſit ſuſpenſus.

—nor ſhall Biſhops and other Prelates burthen the Clergy with Retinues beyond the Canon,

Epiſcopi verò, & alii inferiores Prælati, cum viſitant, in ſuperflua Comitiva, ſeu evectionum numero, vel aliàs in expenſis, gravare ſubditos non præſumant, ultra quantitatem & numerum determinatum in Conſtitutione fælicis recordationis, *w Innocentii* Papæ quarti; nè viſitantes magis videantur lucris pecuniariis inhiare, quàm Eccleſiarum velle conſervare ſtatum, vel ſalutem quærere Animarum. Quod ſi contra facere attentaverint, ſubditi eis non pareant in hac parte. Latas etiam hujuſmodi occaſione Excommunicationum, Suſpenſionum, & Interdicti ſententias ipſo Jure Decernimus eſſe nullas.

—or with a ſuperfluous number of People.

Secum etiam Viſitationis tempore ſuperfluam & oneroſam multitudinem hominum non adducant, per quam Eccleſiarum requies perturbari ſæpius conſuevit, ſed moderationem ſequantur Conſtitutionis Canonicæ *x* in *Lateranenſi* Concilio promulgatæ.

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w Innocentii Papæ IV.] *Sext. Decretal. l.* 3. *c.* 20. §. Procurationes —— "*Verba ſunt, Procurationes autem recipiat, ſecundùm quod eſt in Canonibus conſtitutum.* Vide "ſupra Concil. Lateran' ſub Alex. 3. p. 973.

x In Lateranenſi Concilio.] *Sub Alex.* 3. *Extra. de Cenſibus; ut ſuprà.*

Procurations, and other Duties for Viſiting.

A.D. 1342. 17 *Edw.* 3.

JOHANNES STRATFORD.

Viſitationis officium diligenter & perſonaliter pretio rationabili à Canonibus inſtituto fiat, numeruſque uno die viſitandarum pro earum commodo deligatur: immoderatus autem exactor, pœna Suſpenſionis ab Officio mulctetur.

Lyndw. Edit. Oxon. p. 223. † *MS. Æton.* add. *Diſtrictius.*

No Procuration ſhall be due, without actually Viſiting, — nor ſhall any have more than one in one day, tho' he Viſit more Churches than one;

QUamvis Lex Naturæ, & *infrà.* Præſentis auctoritate † Concilii Inhibemus, nè quis Procurationem ratione Viſitationis ſolvendam ab aliqua præſumat recipere Eccleſia, niſi Viſitationis officium eidem diligenter impenderit, ſcrutatis perſonaliter, & inſpectis per ipſum cum effectu quæ fuerint indaganda. Si quis verò plures viſitare voluerit Eccleſias uno die, Procuratione unica in victualibus vel pecunia, ad quam omnes & ſingulas ſic die unico viſitatas proportionabiliter faciat contribuere, prout tradunt Canones, ſit contentus: Et ſi nocte præcedente Viſitationem in quavis Eccleſia faciendam, ad ſumptus Rectoris ſeu Vicarii viſitandi, ſeu die Viſitationis in prandio ſteterit cum eiſdem, veram æſtimationem ſumptuum hujuſmodi in procuratione, ſi eam in pecunia viſitans, licitè duxerit exigendam, computare, ſeu allocare, vel pro ea in totum ſtudeat compenſare. Ita quòd nec ultra ſumptus hujuſmodi ſolidam Procurationem in pecunia, nec amplius quàm deductis eiſdem ſumptibus de Procuratione in pecunia exſolvenda ſupererit, præſumat recipere vel exigere quoviſmodo. Si quis autem aliter fecerit, Donec indebitè recepta reſtituterit, ab ingreſſu Eccleſiæ noverit ſe ſuſpenſum. Verum quia plures Archidiaconi & [y] alii Ordinarii, honoris Prærogativâ, vel Nobilitate generis decorati, in ſuis Viſitationibus incedentes, familiarium & vecturarum ſtatutum in Canonibus numerum excedunt, ſic quod procurantes eoſdem in victualibus exceſſivè & indebitè onerantur, ultra æſtimationem Procurationis, quæ in pecunia [z] ſolet ſolvi; Nos hujuſmodi viſitatis, an in pecunia quantitatis ſolitæ, vel in victualibus, viſitantes eoſdem voluerint procurare, optionem reſervamus. Et ſi viſitata inſuper Eccleſia Capellas habuerit dependentes ab ea, Statuimus, quòd pro Eccleſiæ ſuarumque Capellarum hujuſmodi, Viſitatione, Procuratione quæ pro una Eccleſia præſtari ſolet in Diœceſi cujus eſt Eccleſia, Viſitantes Archidiaconi, & alii Ordinarii ſint contenti, ſub pœna Suſpenſionis ab Officio & Beneficio, quam ipſo facto incurrant, donec duplum illius quod ultra Procurationem hujuſmodi unicam receperint, ſuæ Eccleſiæ ſolverint Cathedrali.

—and becauſe ſometimes the Retinue is great, it ſhall be in the choice of the Viſited to pay it in Mony or in Proviſions.

A Chapel of Eaſe ſhall be included in the Procuration of the Mother-Church.

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[y] Alii Ordinarii.] *Archidiaconis æquales, & inferiores eis.* Lyndw.

[z] Solet ſolvi.] *In Angliâ, communis uſus habet, ut nomine Procurationis Archidiaconus recipiat in pecunia 7 ſolidos & 6 denarios; hoc eſt, pro ſeipſo, & equo ſuo* 18 *den'. Et pro qualibet aliâ evectione cum ſuo ſeſſore,* 12 *den'.* Lyndw.

[a] Capellas.] *Etiam Parochiales, & Curatas.* Lyndw.— *De* privatis *etiam* Oratoriis, *in Jure Canonico hæc habentur:* "Auctoritate præſentium inhibemus, ne quis pro eo quod "in *Oratoriis*, quæ in Grangiis veſtris habetis, interdum "aliqui veſtrûm celebrant, Procurationes, quæ ratione Viſitationis debentur, à vobis exigere, vel extorquere præſumat.

A.D. 1672. &c.

25 Car. II. Cap. 5. Sect. 23. &c. —— *to* 7 Ann. Cap. 22. *incl.*
3 Georg. Cap.

In the Acts of General Pardon.

† All Arrears of &c. 7 *Ann.* † And Arrears of the ſame. 3, & 7 *Georg.*

Procurations and Synodals, excepted out of General Pardons.

And alſo excepted out of this Pardon, † all —— Procurations, Synodals, and other payments out of any Eccleſiaſtical Promotion. —— †.

Rules of Canon *and* Common Law, *concerning* Procurations, Synodals, *and other like Duties.*

I. P*Rocuration is due to the Perſon Viſiting,* **de jure communi.** The Term it ſelf is thus explained by the Canoniſts, *Hoc munus ideò* Procuratio *vocatur, quia Eccleſiæ Epiſcopum* procurant, i. e. *curant, alunt, ac tuentur; ſicut Pueri dicuntur* Procurari *à Nutricibus, & Equus à Domino, apud* Plautum, *& alios Authores Latinos, qui propriè & emendatè locuti ſunt.* And the Reaſon why it is due *de jure communi*, is ſet down in the Gloſs upon the Canon Law; *Cùm* de jure communi *debuerat Viſitare*, de jure communi *debet habere tunc* Procurationem; for, as it is in the Text there, *Nemo cogitur ſuis ſtipendiis militare.* Accordingly, we find expreſs Deciſions to this purpoſe, in the Body of the Canon Law, where Religious Houſes deny'd Procurations, and alledged againſt the Demand made by the Viſitor, that they did not find they had been paid to his *Predeceſſors*, or demanded by them. Thereupon the Determination is as follows, "Nos igitur præmiſſam allegationem eorum "*nullam* penitùs reputantes, cùm contra Procurationem, quæ ratione Viſitationis debetur, "*præſcribi nequiverit*, quemadmodum nec contra "Viſitationem ipſam poteſt aliquo modo præſcribi; ---- Mandamus, quatenùs Sententiam "quam in hujuſmodi Contemptores, de antiquâ "Metropolis conſuetudine, tulit Archiepiſcopus "[*Senonenſis,*] uſque ad ſatisfactionem condignam "facias obſervari." And elſewhere, notwithſtanding it was alledged, *quòd ipſi Procurationem hactenùs non ſolverunt*; the Determination is, *quatenùs, niſi* aliud *rationabile oſtenderint, Vos eos ad exhibendum eam, ſicut jus dictaverit, compellatis.*

Extra. l. 2. t. 26. c. 16. v. *Conſuet.*

Ib.

Extra. l. 3. t. 39. c. 24.

Procurations, and other Duties, for Viſiting.

But *Donatives*, and *Free Chapels* pay no Procurations to any Eccleſiaſtical *Ordinary*, becauſe they are not *Viſitable* by any.

II. *Procuration, tho' originally due* ratione Viſitationis *only, may be due without* **actual Viſitation.** We ſee, the foregoing Conſtitutions limit the payment, whether in Proviſions or Money, to *actual Viſitation*, and warrant the Denial of them when no Viſitation is held. Upon which, a Doubt hath been raiſed, Whether thoſe Archdeacons who are not *permitted* to Viſit, but are *Inhibited* from doing it in the Biſhop's Triennial, have a Right to require Procurations for that year. They who have maintained the Negative part of the Queſtion, build their Opinion upon the expreſs Letter, both of the ancient Canon Law, and of our own Provincial Conſtitutions. But others, who undertake to defend the Rights of the Archdeacons, alledge, That tho' it might be reaſonable, that they loſe their Procurations, in caſe they *neglect* their Office of Viſiting (which, by the way, was all that the antient Conſtitutions meant;) yet that Reaſon doth not hold, when they are *reſtrained* and *inhibited* from it; the Rule of the Law being, *Imputari non debet ei per quem non ſtat, ſi non faciat quod per eum fuerat faciendum*; and, That Procurations are rated in the Valuation of K. *Henry* the eight, as *part* of the Revenues of every Archdeacon; who therefore pays a certain annual Tenth for them: and the Law could never intend the payment of the *tenth part* every year, if there had been *any* year in which he was not to receive the *nine parts*. Which two Arguments are ſo ſtrong in favour of the Archidiaconal Rights, the firſt in Reaſon, and the ſecond in Law as well as Reaſon; that no more need be ſaid upon that Head. And if it be alledged, that a great Engagement to the Performance of that Duty is taken away, if the Profits be equal, whether they Viſit or not; the Anſwer is, that as it may well be preſumed of Archdeacons, that they will therefore hold their Viſitations duely, becauſe it is their Duty to hold them; ſo, if they *willfully neglect* that Duty, they are liable to be puniſhed with Spiritual Cenſures, by their Spiritual Superiours, the Archbiſhops and Biſhops.

Degge, Part. 2. Cap. 15.

Stephens, p. 23. &c.

III. *Churches* **newly erected**, *ſhall be rated to Procurations, according to the Proportion paid by the* **neighbouring** *Churches.* This, tho' not affirmed *in point*, is plained *imply'd* in the Body of the Canon Law; where the Fact was, that a Diſtrict was newly added to another Province, and the Queſtion thereupon, What Procurations ſhould be taken? To which the Anſwer is, *Illud obſervare tenetur, quod in vicinis Provinciis obſervatur.* And the Rule in the Gloſs is more general, *Nota, quòd in Procurationibus faciendis, & aliis Servitiis, ſi* certum quid ſtatutum non ſit, *conſuetudo* vicinarum *Eccleſiarum attendenda.*

Extra. l. 3. t. 39. c. 22.

IV. **Synodals**, *and* **Pentecoſtals**, *are due de jure communi to the* **Biſhop** *only.* So that, if they be claimed or demanded by the Archdeacon, or Dean and Chapter, or any other Perſon or Perſons, except the Biſhop; it muſt be upon the foot of *Compoſition* or *Preſcription.*

Synodal, and *Synodaticum*, by the Name, have a plain relation to the holding of *Synods*; but there being no reaſon why the Clergy ſhould pay for their attending the Biſhop in *Synod*, purſuant to his own Citation, nor any Footſteps to be found of ſuch a Payment by reaſon of the holding of *Synods*; the *Name* is ſuppoſed to have grown from this *Duty*'s being uſually paid by the Clergy when they came to the *Synod.* And the *thing* in all probability, is the ſame that was anciently called *Cathedraticum*, as paid by the Parochial Clergy, in honour to the *Epiſcopal Chair*, and in token of ſubjection and Obedience thereto. So it is ſaid in the Council of *Bracara*, as it ſtands in the Body of the Canon Law, under this Title, *Præter honorem* Cathedratici *nihil Epiſcopus per Diœceſes exigat.* ---- The Canon is, *Placuit, ut nullus Epiſcoporum per Diœceſes ſuas ambulans præter* honorem Cathedræ ſuæ, *i. e.* duos ſolidos [*ad plus*, minus enim quandoque datur, *Gloſſ.*] *aliud aliquid per Eccleſias tollat:* (and the Duty which we call *Synodals*, is, generally, *ſuch a ſmall* Payment;) which Payment was reſerved by the Biſhop, upon ſettling the Revenues of the reſpective Churches on the Incumbents; whereas before, thoſe Revenues were paid to the Biſhop, who had a Right to *part* of them for his own uſe, and a Right to apply and diſtribute the reſt, to ſuch Uſes, and in ſuch Proportions, as the Laws of the Church directed.

Cauſ. 10. q. 3. c. 1.

Lyndwood, ſpeaking of the *Onera Eccleſiæ*, ſaith, *Quædam ſunt, quæ dicuntur Epiſcopalia, & inter hæc continentur* Synodaticum, Cathedraticum, *&c.* And, in the Regiſter of Archbiſhop *Warham*, among the Revenues of the Vacancy of the Dioceſs of *Exeter*, one head is, Synodatica & Cathedratica *debita in feſto Paſchæ.* How far the *diſtinct* mention of them in thoſe two places, is a proof that they were *Diſtinct* Duties, againſt what hath been alledged to prove them the ſame, I ſhall not ſay: but this I will venture to ſay, that if the Synodals now paid, be Duties diſtinct from the ancient *Cathedraticum*, it will be very difficult, if not impoſſible, to find the *foundation* of them, either at home or abroad.

Lyndw. de Off. Jud. c. Quoniam. v. Onera.

Warh. 233. a.

Pentecoſtals, otherwiſe called Whitſun-farthings, did alſo take the name from the uſual *time* of Payment, at the Feaſt of *Pentecoſt.* Theſe are ſpoken of in a remarkable Grant of King *Henry* the eighth to the Dean and Chapter of *Worceſter*; in which he makes over to them, *omnes illas* Oblationes *&* Obventiones, *ſive ſpiritualia proficua, vulgariter vocat'* Whitſun-farthings, *annuatim collecta ſive recepta de diverſis Villatis in Comitatibus noſtris* Wigorn. Warwick, *&* Hereford. *infra Archidiaconatum* Wigorn'. *& tempore* Pentecoſtes *oblata.* From hence it appears that Pentecoſtals were *oblations*; and as the Inhabitants of Chapelries were bound, on ſome certain Feſtival, or Feſtivals, to repair to the Mother-Church, and make their Oblation there, in token of Subjection and Dependence; ſo, as it ſeems, were the Inhabitants of the Dioceſe obliged to repair to the *Cathedral* (as the *Mother-Church* of the whole Dioceſe) at the Feaſt of *Pentecoſt.* Something like this, was the coming of many Prieſts and their People in Proceſſion to the Church of St. *Auſtin* in *Canterbury*, in *Whitſun-week*; upon which occaſion, the Hiſtorian ſays, they came *cum* oblationibus *& cæteris devotionibus*; and adds, that their coming was, *ſecundùm Conſuetudinem obſervatam in Eccleſiis Matricibus regni.* But moſt material to this purpoſe, is what we find in the Regiſter of *Robert Read*, who was made Biſhop of *Chicheſter* in the year 1396; namely, a Letter under this Title, *Litera ad* compellend' *Parochianos infra Archidiaconatum Ciceſtr. ad* viſitand *Eccleſiam ſuam* Matricem, *in Septimanâ* Pentecoſtes.

Steph. 117.

Kennet's Paroch. Ant. p. 597.

Thorn, inter 10 Script. p. 1985.

Theſe obligations grew by degrees into fixt and certain Payments from every Pariſh and every Houſe in it: as appears, not only from the forementioned Grant of King *Henry* VIII, but alſo from a remarkable Paſſage in the *Articuli Cleri* in Convocation, *ann.* 1399; where the ſixth Article is, a humble Requeſt to the Archbiſhops and Biſhops, That it may be declared, whether *Peter-pence*, the *Holy-loaf*, and *Pentecoſtals*, were to be paid by the Occupiers of the Lands,

Reg. Conv. Oct. 8. 1399.

Procurations and other Duties for Viſiting.

Lands, tho' the *Tenements* were faln or not inhabited, according to the ancient Cuſtom, when every Pariſh paid a certain *quota*.

Raym. 360.

V. *Procurations*, *Synodals*, *and Pentecoſtals*, *being denied where due*, *are recoverable in the* **Spiritual Court.** The reaſon is, becauſe they are Profits of a mere *Spiritual* nature; and therefore, in the Caſe of *Kirton* and *Guilder* (32 *Car.* 2.) Prohibition having been obtained againſt the Archdeacon of *York* in a Suit for Procurations, Conſultation was granted; but with this diſtinction, that it was granted only *quoad* Procurations demanded generally; but if the Plaintiff denied the *Quantum*, the Prohibition ſhould ſtand. Dr. *Clagget*, Archdeacon of *Sudbury*, commenc'd a Suit in the Conſiſtory Court of *Norwich*, againſt *Sanderſon*, an Impropriator; for a Procuration of 6 *s.* 8 *d.* And upon *Sanderſon*'s applying to the King's Bench for a Prohibition, it was denied, and the whole Court agreed 'That this was an *Eccleſiaſtical* duty, and there'fore properly ſuable for in the *Spiritual Court*.' And tho' there was an Impropriation in the caſe, ſtill there muſt be a Curate to take care of the Souls of the Pariſh; and that Curates, as well as other perſons, muſt ſtand in need of Biſhop's or Archdeacon's Inſtructions and Viſitations; conſequently, that the Ordinary or Archdeacon ought to be allowed for his Procuration, what had been uſually paid for it: and that where a thing is claim'd by cuſtom in the Spiritual Court, it muſt be intended according to their conſtruction of a Cuſtom, viz. 40 years. Laſtly, that the payment for 70 or 80 years was an evidence of an *immemorial* payment; for tho' it could not be ſtrictly immemorial, if the Archdeaconry was founded only in *Edw.* 6th time, yet ſince that period, it might become due by *Endowment*, which might in that diſtance of time have been loſt.

1 Pere Williams, p. 657.

As to *Synodals*; in the time of Archbiſhop *Whitgift*, they were declared, upon a full hearing, to be *Spiritual Profits*; and, as ſuch, to belong to the Keeper of the Spiritualties, *ſede vacante*.

3 Whitg. 137. a.

CAP. X.

EXEMPTIONS *from Viſitation.*

A.D. 1400.

2 Henr. IV. Cap. 3.

An Act againſt Proviſion made by the Court of Rome.

Exemptions from Viſitation.

OBS.

Any Perſon accepting a Proviſion to be exempt from Obedience, ſhall incur a *Præmunire*.

Item, it is ordained and eſtabliſhed, that if any proviſion be made by the Biſhop of Rome to any perſon of religion, or any other perſon, to be exempt of obedience regular, or of obedience ordinary, or to have any office perpetual within houſes of religion, or as much as one regular perſon of religion or two or more have in the ſame, That if ſuch proviſors from henceforth do accept or enjoy any ſuch proviſion, they ſhall incur the pains compriſed in the Statute of proviſors, made in the thirteenth year of King Richard the ſecond.

A.D. 1539.

31 Henr. VIII. Cap. 13.

In an Act, Entituled, *An Act for Diſſolution of Monaſteries and Abbies.*

Places Exempt from the Viſitation of the Ordinary, before the Diſſolution, ſhall henceforth be under it,

XXIII. And be it further enacted by the authority of this preſent Parliament, That ſuch of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Friers, and other Religious and Eccleſiaſtical houſes and places, and all Churches and Chapels to them or any of them belonging, which before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs, [a] were exempted from the viſitation or viſitations, and all other juriſdiction of the Ordinary or Ordinaries, within whoſe Dioceſs they were ſituate or ſet, ſhall from henceforth be within the juriſdiction and viſitation of the Ordinary

[a] **Were exempted.**] Such Exemptions were commonly granted at *Rome*, to thoſe who ſolicited for them; eſpecially to the larger Monaſteries, and ſuch who had Wealth enough to ſolicit *powerfully*: but, the Right of Viſitation being *de Jure communi* in the Biſhop, (*eo ipſo quòd Eccleſia ſita eſt in Diœceſi alicujus*, *præſumitur ſibi ſubeſſe*—*niſi oſtendant ſe exemptos*) the Religious who had obtained ſuch Exemptions, were liable to be Cited, and were bound upon pain of Contumacy, either to ſubmit to his Viſitation, or to exhibit their Bulls of Exemption; to the end they might be viewed and examined, and the Biſhop might ſee of what Authority and extent they were. There is a large Proceſs of this kind, in the Regiſter of Archbiſhop *Warham*; where, at the Viſitation of the Archbiſhop, the Abbot and Convent of St. *Auſtin*'s in *Canterbury*, had alledged their Exemption; and were afterwards Cited in form to produce their Inſtruments (which they did by a Proctor;) and the Validity and Invalidity of theſe having been ſolemnly debated, the Archbiſhop pronounced for the Validity of them by a formal Sentence ——— *Per hanc noſtram* Sententiam Definitivam, *quam in ſcriptis ferimus*, *pronunciamus*, *decernimus*, *&* *declaramus*, &c. ——— and, as to the Abbot and Convent, *Ab* Officio *noſtro in hac parte dimittimus.*

Extra. l. 2. t. 26. c. 12. v. *ſuæ* — & t. 30. c. 4.

And whereas this Statute veſts a Power in the King, to ſubject any of thoſe Religious Houſes which were heretofore made Exempt, to ſuch Juriſdiction as he ſhould appoint, excluſive of the Ordinary; there can be no doubt, but the Perſons who claim Exemption from the Viſitation of the Ordinary in virtue of ſuch Appointment, are obliged upon pain of Eccleſiaſtical Cenſures (in like manner as the *Religious* were,) to ſubmit the *Evidences* of their Exemption to the Examination of the Ordinary; without which it is impoſſible for him to know, how far his Authority extends.

As to *Protections* given by the Pope; the rule of the Canon Law is, *Per verbum* Protectionis *non datur Exemptio*: and this whether it relate to *Perſon* or *Place*.

Extra. l. 5. t. 33. c. 8. & c. 18.

— or under ſuch Juriſdiction as the King ſhall appoint.

Exemptions from Viſitation.

or Ordinaries, within whoſe Dioceſs they or any of them be ſituate and ſet, or *b* within the juriſdiction and viſitation of ſuch perſon or perſons, as by the Kings Highneſs ſhall be limited or appointed: this Act, or any other exemption, liberty, or juriſdiction to the contrary notwithſtanding.

V. ſuprà, p. 210.

b **Within the Juriſdiction.**] So that, now, there are no Places *totally* Exempt from Ordinary Juriſdiction, but either ſuch as enjoy their Exemption upon the foot of Common Law, as, *Free-Chapels*, and *Donatives*, (the firſt Viſitable only by Commiſſion from the King, and the ſecond by Commiſſion from the Donor;) or ſuch as the Crown may have Exempted, or ſhall Exempt, purſuant to the Powers granted by this Statute. Concerning all which, a moſt wholeſom and reaſonable Law was intended in the *Reformatio Legum*, as follows; The title is, *Privilegia Locorum Exemptorum moderanda*; and the Law, *Quoniam* Libertates & Immunitates Eccleſiaſticas *licentioſam videmus ſæpenumerò afferre peccandi Securitatem*; *Volumus*, *ut* Epiſcopis *liceat in omnia Collegia, Societates, & Cœtus, quæ quidem in eorum Diœceſibus conſtiterint, quantumcunque* Privilegiis *præmuniantur, inſpectare, pœnáſque Peccatis illorum aſſignare, non ſolùm communibus* Viſitationum, *ſed omnibus aliis temporibus, cùm magnitudo Criminum poſtulabit, & eandem* Archiepiſcopus *in ſuâ Provinciâ poteſtatem habebit.*

Ref. Leg. Eccl. f. 64, a.

Reg. *Laud*. 85. a. But this having never paſſed into a Law, Archbiſhop *Laud*, preparatory to his Metropolitical Viſitation, obtained *Licence* of the King, to Viſit all Royal Exemptions as they came in his way; the like to which had been granted by the Pope to Archbiſhop *Morton*. And, conſidering to what degree the Diſcipline of the Church is *defeated* by thoſe Exemptions, and how great *Irregularities* are committed under the Protection of them; it were to be wiſhed, that the like favour were granted by the Crown to Archbiſhops and Biſhops, in their Viſitations; or rather it were to be wiſhed, that an Act of Parliament were made, to ſubject to the Ordinary Viſitation all ſuch Exempt Places, as are not in the *immediate poſſeſſion* of the Crown.

Mort. 5, a.

Lyndw. de cohab. Cler. c. *Ut Clericalis.* v. *Beneficiati.* p. 125. *Lyndwood* ſpeaking of the Deanry of St. *Martin's le Grand* in *London*, and ſhewing that it is not properly an *Eccleſiaſtical Benefice*, ſays, among other things, that it is Viſited *per merè Laicum, quia per Regis Cancellarium, qui de neceſſitate non erit Clericus, ſed poteſt eſſe Vir in ſtatu Laicali conſtitutus.* And Archbiſhop *Reynolds* ſpeaks of Viſiting a Hoſpital, *ratione officii Cancellarii*, and commands the Biſhop of *Norwich*, to ſee that the Injunctions he made *ratione Officii Cancellariæ quam gerimus*, be obſerved.

Reyn. 32, b. 46, b.

The Exemptions which we have hitherto ſpoken of, may be called *Total Exemptions*, as *wholly* excluſive of Ordinary Juriſdiction: but there are others, that are only *Partial Exemptions*, as excluſive of *this* or that Ordinary, but not of all; And theſe (which are commonly called **Peculiars**) are of ſeveral ſorts.

1. Peculiars of the **Archbiſhops,** excluſive of the Biſhops and Archdeacons; which ſprung from a Privilege they had, to enjoy Juriſdiction in ſuch Places where their Seats and Poſſeſſions were. Accordingly, among the Caſes which the *Gloſs* reckons up, by way of proviſion for the Ordinary Juriſdiction of the Archbiſhop in the Dioceſes of his Suffragans, one is, *Si habet prædium in Diœceſi ſuâ.* And a Privilege it was, no way unfit or unreaſonable, where their Palaces were, and they oft-times repaired to them in Perſon; as ancient Archbiſhops appear to have done, by the multitudes of *Letters* dated from their ſeveral Seats.

Extra. l. 1. t. 31. c. 11. v. *Exceptis.*

In theſe Peculiars (which, within the Province of *Canterbury*, amount to more than 100, in the ſeveral Dioceſes of *London*, *Wincheſter*, *Rocheſter*, *Lincoln*, *Norwich*, *Oxford*, and *Chicheſter)* Juriſdiction is adminiſtered by ſeveral *Commiſſaries*: the chief of whom, is the *Dean of the Arches*; ſo called from their having always held their Courts in *Bow Church* (or *Eccleſiâ Stæ.* Mariæ *de Arcubus*,) for the thirteen Peculiars within the City of *London*. Beyond theſe, the Juriſdiction of the Dean of the Arches extendeth not; and therefore my Lord *Coke* had been miſ-informed, when he ſaid, the Dean of the Arches hath *Ordinary Juriſdiction by Appeal, through the whole Province of* Canterbury; ſince the receiving of *Appeals* belongs to the *Official Principal* of the Archbiſhop; and, that theſe two Officers are at any time joined in the ſame Perſon, is *accidental*, and depends wholly upon the pleaſure of the Archbiſhop. Concerning thoſe perſons who are appointed to exerciſe Juriſdiction in the Peculiars of the Archbiſhop, *Lyndwood* obſerves that their Juriſdiction is Archidiaconal: *Tales in locis ſuis habent Juriſdictionem Archidiaconalem, nec alicui ſubſunt, niſi ſolùm Archiepiſcopo eos deputanti.*

4 Inſt. 337.

Lyndw. de Judiciis, c. *In cauſis.* v. *Committatur.* p. 79.

2. Peculiars of **Biſhops,** excluſive of the Juriſdiction of the Biſhop of the Dioceſe, in which they are ſituated; of which ſort, the Biſhop of *London* has four Pariſhes within the Dioceſe of *Lincoln*; and every Biſhop who has a *Houſe* in the Dioceſe of another Biſhop, may therein exerciſe Epiſcopal Juriſdiction, independent of ſuch Biſhop. And therefore *Lyndwood* ſays, *Largior eſt ſignificatio* Epiſcopatûs *quàm* Diœceſis, *quia Epiſcopatus poteſt referri ad Diœceſin alterius Epiſcopi, in quâ forſan alius Epiſcopus habet Juriſdictionem Peculiarem.*

Lyndw. de Pœnis, c. *Æternæ.* v. *ſuis.* p. 318.

Extra. l. 1. t. 31. c. 11. v. *Exceptis.* Where the ancient Gloſs enumerates the Caſes, in which the Archbiſhop has Ordinary Juriſdiction in the Dioceſes of his Suffragans, one (as I obſerved before) is, *Si habet prædium in Diœceſi ſuâ*; to which is immediately ſubjoyn'd, *& ille caſus pertinet etiam ad quemcunque alium.*

Lyndw. de Cenſ. c. *Ut ſing.* v. *Eccleſiis.* p. 219. 3. Peculiars of **Biſhops,** excluſive of Archidiaconal Juriſdiction. Of which, *Lyndwood* writes thus: *Sunt quædam Eccleſiæ, licèt infra* ambitum *alicujus Archidiaconatûs conſtitutæ, quæ tamen ipſi* Archidiacono *non ſunt ſubjectæ*; *utputà* Eccleſiæ Regulares, *quales ſunt Monaſteria Monachorum, Canonicorum Regularium, & Monialium. Sic etiam, ſi Archiepiſcopus aliquas Eccleſias ſuæ Juriſdictioni reſervavit in ſpecie, ita quòd in eis Archidiaconus nullam Juriſdictionem exerceat, tales Eccleſiæ non dicuntur ipſo Archidiacono ſubjectæ*; *ſicut eſt videre in multis Locis, ubi* Archiepiſcopi & Epiſcopi *exercent Juriſdictionem immediatam & peculiarem.*

Extra. de Off. Archid. l. 1. t. 23. c. 10. As to the firſt of theſe, the Juriſdiction over *Religious Houſes*, the Archdeacons were excluded from that, by the ancient Canon-Law, in the Chapter which bears this Title, *Archidiaconi in* Monaſteriis *Juriſdictionem non habent, niſi in quantum tribuit eis generalis vel ſpecialis Conſuetudo*; and it is there determined, that if the Archdeacon could not make out ſuch Cuſtom, *præfatum Monaſterium ab ejus impetitione penitùs abſolvatis, perpetuum ſuper hoc ipſo Archidiacono ſilentium imponentes*; becauſe, Cuſtom apart, he could claim no Authority *de jure communi*. As to the ſecond. *viz.* the exempting of *particular Pariſhes* from Archidiaconal Juriſdiction; there are not only many inſtances of ſuch Exemptions upon our Books, but the Pariſhes themſelves continue ſo Exempt, and remain under the *immediate Juriſdiction* of the Archbiſhop.

4. Peculiars of **Deans,** and of **Deans and Chapters, Prebendaries,** &c. Theſe were firſt obtained and ſettled by the *Grants* of the Biſhops; probably, becauſe the Poſſeſſions of the reſpective Corporations, whether ſole or aggregate, lay chiefly in thoſe Places. But tho' they have power to appoint Commiſſaries for Probate of Wills, *&c.* and for the ordinary Adminiſtration of Juſtice; yet, as I take it, they are (in ſome inſtances at leaſt,) ſubject to the *Viſitation* of the Biſhop in his *Triennial.*

It ſeems to be true Doctrin, that no Exemptions granted to Perſons or Bodies under the degree of Biſhop, extend to a Power of employing any Biſhop they pleaſe, to perform for them ſuch Acts as are merely Epiſcopal, unleſs ſpecial words be found in their grants of Exemption, empowering and warranting them ſo to do; but that all ſuch Acts are to be perform'd by the Biſhop of the Dioceſe within which they are ſituated, after the Exemption, as much as before: in other words, That the Exemptions in which no ſuch Clauſe is found, are only Exemptions from the Exerciſe of ſuch Powers, as the Perſons or Bodies are *capable* of exerciſing. Thus we have already ſhown it to be, in the granting Letters dimiſſory for Orders, and thus it ſeems to have been underſtood, in the Act of Conſecrating Churches and Churchyards, and Reconciling them when polluted; by the *Licence* which we find the Dean of *Windſor* had from the Guardian of the Spiritualties of *Saliſbury*, to employ any Catholick Biſhop to Reconcile the Cloyſter and Yard of the ſaid Free Chapel, when they had been polluted by the ſhedding of Blood.

Pag. 143.

2 Arund. 77, a.

In

Exemptions from Viſitation.

Regiſtr. *Winch.* f. 312. a.

In the time of Archbiſhop *Winchelſea*, upon an Appeal to *Rome* in a Controverſy concerning *Pagham*, a Peculiar of the Archbiſhops of *Canterbury*; it was ſaid, in the Repreſentation to the Pope, to be of *Canterbury Dioceſs*; which was objected againſt in the Exceptions on the other ſide, *cùm, in veritate & notorietate, Diœceſeos* Ciceſtrenſis *exiſtat.* Which was a juſt Exception, in point of form; becauſe the proper ſtyle of thoſe Peculiars, as oft as they are mentioned in any Inſtruments, is, *of* or *in ſuch a Dioceſs* [namely, the Dioceſs, in which they are ſituated] *and of the Peculiar and immediate Juriſdiction of the Archbiſhop.*

A.D. 1554.

1, 2 Phil. & Mar. Cap. 8.

In an Act, Entituled, *An Act Repealing all Articles and Proviſions, made againſt the See Apoſtolick*, &c.

REP. Vid. p. 42.

Exempt Churches cannot be under the Juriſdiction of Lay-men, as they were made by K. *Henry*, and K. *Edw.* 6.

--- XLVIII. And whereas by diſſolution of Monaſteries and other religious Houſes, certain pariſh Churches and Chapels, which were before exempt from the juriſdiction of the Archbiſhop and Biſhop of the Dioceſs, and, by ſpecial exemption and privilege from Rome, were under the government and order of Abbots and Priors of thoſe religious houſes; which ſaid Churches, by colour of the exemptions, be now of a ſpecial grant from King Henry and King Edward, under the rule and government and juriſdiction of temporal and Lay men, who can no more enjoy that ſupremacy over thoſe particular Churches, than the King might over the whole Realm:

—but ſhall be under the Juriſdiction of the Archbiſhops and Biſhops.

---- XLIX. Be it therefore enacted, that all Archbiſhops and Biſhops in their Dioceſs, and all other Spiritual perſon or perſons having juriſdiction, and their Miniſters and Officers, and no Lay-perſon or perſons, in every Church and place within the precinct of the ſame, being exempt or not exempt, may freely and without Impediment execute their Spiritual Juriſdiction in all points and articles, as though no ſuch Exemption or Grant had ever been made.

1 Georg. Cap. 10.

In an Act, Entitled, *An Act for making more effectual her late Majeſty's Gracious Intentions for Augmenting the maintenance of the Poor Clergy.*

Donatives, being augmented, ſhall be ſubject to the Juriſdiction of the Ordinary.

XIV. And be it further Enacted by the Authority aforeſaid, That all ſuch Donatives which are now Exempt from all Eccleſiaſtical Juriſdiction, and ſhall be Augmented by virtue of the Powers given by this Act, ſhall be ſubject to the Viſitation and Juriſdiction of the Biſhop of the Dioceſe wherein ſuch Donative is, to all Intents and Purpoſes of Law whatſoever.

TIT. XLIII.

OFFICES, and OFFICERS, belonging to the SPIRITUAL COURTS.

THE CONTENTS.

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CAP. I.

PATENTS, *and* PATENTEES, *for Spiritual Juriſdiction.*

5 Edw. VI. Cap. 16. A.D. 1551.

An Act againſt buying and ſelling of Offices.

Patents, and Patentees, for Spiritual Juriſdiction.

For the avoiding of Corruption in Courts of Juſtice, FOR the avoiding of corruption, which may hereafter happen to be in the Officers and Miniſters, in thoſe courts, places, or rooms, wherein there is requiſite to be had the true adminiſtration of Juſtice, or Services of truſt; and to the intent that perſons, worthy and meet to be advanced to the place where Juſtice is to be miniſtered, or any ſervice of truſt executed, ſhould hereafter be preferred to the ſame, and no other:

Enacted, that, —if any Perſon ſell any Office, or receive, or covenant to receive, mony or reward for any Office or deputation of Office, II. Be it therefore enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame: That if any perſon or perſons at any time hereafter, bargain or ſell [a] any Office or Offices, or deputation of any Office or Offices, or any part or parcel of any of them, or receive, have or take any mony, fee, reward, or any profit directly or indirectly, or take any promiſe, agreement, covenant, bond, or any aſſurance, to receive or have any mony, fee, reward, or other profit, directly or indirectly, for any Office or Offices, or [aa] for the deputation of any Office or Offices

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3 Inſt. 148. 12 Rep. 78. 2 Cro. 269.

[a] **Any Office.**] In the eighth year of K. *James* the firſt, it was reſolved by the Juſtices, upon a reference made to them by the Lord Chancellor in the Caſe of Dr. *Trevor* concerning the Chancellorſhip of *Landaff*; that Offices in *Eccleſiaſtical*, as well as Temporal Courts, are within this Statute. For although they concern matters principally *pro Salute Animarum*, yet they alſo concern matters about *Matrimony* and *Legitimation*, which touch the Inheritance of the Subjects, and about matters of Legacy for Chattels *real* and *perſonal*; and in that reſpect, are *Courts of Juſtice.*

Can. xi. 1640. The rule in the Canons of 1640, is thus: *The holy Synod doth Decree and Ordain, that no* Reward *ſhall be taken for any Chancellor's, Commiſſary's, or Official's Place, under the heavieſt Cenſures of the Church.*

[aa] **For the Deputation.**] In the caſe of *Culliford* and *Cardonnel*, 8 *W.* 3. the Defendant was made deputy to the Plaintiff in his office, and if he pay the Plaintiff half the Profits, then &c. The defendant pleaded this Statute; but the determination of the Court was, that ſuch Bond is not within the Statute, becauſe the Condition is not to pay him ſo much in groſs, but half the Profits, which muſt be ſued for in the Principal's name; for they belong to him, though out of them a ſhare is to be allowed to the Deputy for his Service. But 3 *Annæ*, where the Deputy was to have the Fees, 2 Salk. p. 466. Ibid. p. 468.

Patents, and Patentees, for Spiritual Juriſdiction.

or any part of any of them, or to the intent that any perſon ſhould have, exerciſe, or enjoy, any Office or Offices, or the Deputation of any Office or Offices, or any part of any of them; which Office and Offices, or any part or parcel of them, ſhall in any wiſe touch or concern the adminiſtration or [b] execution of Juſtice, or the receipt, controlment or payment of any of the Kings highneſs Treaſure, Mony, Rent, Revenue, Accompt, Aulneage, Auditourſhip, or Surveying of any of the Kings Majeſties Honors, Caſtles, Manors, Lands, Tenements, Woods, or Hereditaments, or any the Kings Majeſties Cuſtom, or any Adminiſtration or neceſſary attendance to be had, done or executed in any of the Kings Majeſties Cuſtom Houſe or Houſes, or the keeping of any of the Kings Majeſties Towns, Caſtles, or Fortreſſes, being uſed, occupied or appointed for a place of ſtrength and defence, or which ſhall concern or touch any Clerkſhip, to be occupied in any manner of Court of Record, wherein Juſtice is to be miniſtred: That then all and every ſuch perſon and perſons that ſhall ſo bargain or ſell any of the ſaid Office or Offices, deputation or deputations, or that ſhall take any mony, fee, or reward, or profit, for any of the ſaid Office or Offices, deputation or deputations of any of the ſaid Offices, or any part of any of them, or that ſhall take any promiſe, covenant, bond or aſſurance for any mony, reward or profit to be given for any of the ſaid Office or Offices, deputation or deputations of any of the ſaid Office or Offices, or any part of any of them; ſhall not only loſe and forfeit all his and their right, intereſt and eſtate, which ſuch perſon and perſons ſhall then have, of, in, or to any of the ſaid Office or Offices, deputation or deputations, or any part of any of them, or, of, in, or to, the gift or nomination of any of the ſaid Office or Offices, deputation or deputations, for the which Office or Offices, or for the deputation or deputations, of which Office or Offices, or for any part of any of them, any ſuch perſon or perſons ſhall ſo make any bargain, or ſale, or take or receive any ſum of mony, fee, reward or profit, or any promiſe, covenant or aſſurance, to have or receive any fee, reward, mony or profit: but alſo that all and every ſuch perſon and perſons, that ſhall give or pay any ſum of mony, reward or fee, or ſhall make any promiſe, agreement, bond or aſſurance, for any of the ſaid Offices, or for the deputation or deputations of any of the ſaid Office or Offices, or any part of any of them, ſhall immediately by and upon the ſame fee, mony or reward given or paid, or upon any ſuch promiſe, covenant, bond or agreement, had or made for any fee, ſum of Mony, or reward to be paid as is aforeſaid, be adjudged a [c] diſabled perſon in the Law to all intents and purpoſes, to have, occupy or enjoy the ſaid Office or Offices, deputation or deputations, or any part of any of them, for the which ſuch perſon or perſons ſhall ſo give or pay any ſum of mony, fee, reward or any other covenant, bond, or any other aſſurance, to give or pay any ſum of mony, fee or reward.

—in any wiſe concerning the Adminiſtration of Juſtice,

—he ſhall not only loſe ſuch Office, and Deputation,

—but ſhall alſo be diſabled in Law to enjoy it,

II. And be it further enacted by the authority aforeſaid, that all and every ſuch bargains, ſales, promiſes, bonds, agreements, covenants, and aſſurances, as be before ſpecified, [d] ſhall be void to and againſt him and them by whom any ſuch bargain, ſale, bond, promiſe, covenant, or aſſurance ſhall be had or made.

—and the bargain ſhall be void.

Fees, and in conſideration thereof was to pay 200 *l. per annum*, and ſave the principal harmleſs; this was declar'd to be within the Statute. And it was declar'd by the Court, That where an Office is within the Statute, and the Salary is certain, if the Principal make a deputation, reſerving a leſſer ſumme out of the Salary, it is good. So, if the Profits be uncertain, ariſing from Fees, if the Principal make a Deputation, reſerving a ſumme certain *out of the Fees and Profits of the Office*, it is good: for in theſe caſes, the Deputy is not to pay, unleſs the Profits riſe to ſo much. And tho' a Deputy, by his Conſtitution, is in place of his Principal, yet he has no right to the Fees; they ſtill continue to be the Principal's; ſo that, as to him, it is only reſerving a part of his own, and giving away the reſt to another. But where the Reſervation or Agreement is not to pay out of the Profits, but to pay generally a certain Summe, it muſt be paid at all events; and ſuch Bond is void by the Statute.

Lyndw. Steph. Ne Prælati, c. *Ut omnis.* v: *Ad firmam.* p. 282.

The doctrin which we find in *Lyndwood* upon this head, is a follows: *Si habens Juriſdictionem Spiritualem aſſignet alicui pro ſuo Salario certam ſummam, ſic quòd Officialis reſpondeat ſibi pro intégro lucro, hoc benè licet; Si autem habens Juriſdictionem talem velit eam committere alteri ſic ut ſolvat ſibi certum precium, & pro labore ſuo ſibi retineat reſiduum, hoc non licet: imò recipiens tali modo Officio ſuo privandus eſt, & à Clero perpetuò amovendus.*

[b] **Execution of Juſtice.**] In the forementioned Caſe (which did, *immediately*, relate to the Office of Chancellor only,) it was reſolved further, That the Offices of *Commiſſary* and *Regiſter* were alſo included; and therefore in the Caſe of *Woodward* and *Fox* (2 *Will. & Mar.*) concerning the *Regiſterſhip* of the Archdeaconry of *Huntington*, *that* point was waved and *given up* by the Defendant (*viz.* That the Grant of a Regiſterſhip in conſideration of Money, is void by this Statute,) becauſe, as the Reporter ſays, *it had been reſolv'd in Dr.* Trevor's *Caſe, foraſmuch as it concerned* Adminiſtration *of Juſtice*. And my Lord *Coke*, in his Report of Dr. *Trevor's* Caſe, having particularly named the Offices of the *Chancellor* and *Regiſter*, leaves it with an *Et cætera*, and thereby implies it to have been the Senſe of the *Judges*, that all *other* Eccleſiaſtical Officers, who are *any way* concerned in the Adminiſtration of Juſtice, are likewiſe included in this Statute.

2 Ventr. 187, 267. 3 Lev. 289.

[c] **Diſabled perſon.**] *Ann* 13 *Jac.* 1. in the Caſe of Sir *Arthur Ingram*, it was reſolved by the Lord Chancellor *Egerton*, and *Coke* Chief Juſtice, to whom the King had referr'd it, that the Diſability here intended, is ſuch, that the Perſon is utterly diſabled, during Life, to take the ſame Office, although it afterwards becomes void by the death of any other, and a new Grant be made unto him; and that it is ſuch a Diſability, as the King himſelf cannot *diſpenſe* with.

3 Inſt. 154. 2 Cro. 386. Hob. 75.

But the Statute having not ſaid, *who* ſhall diſpoſe of the Office, upon ſuch Forfeiture and Diſability; that Point came under conſideration in the forementioned Caſe of *Woodward* and *Fox*; and two things were Reſolved, 1. That the Right of diſpoſing the Regiſterſhip ſo Forfeited, devolved to the Crown. 2. That the King might make a new Regiſter, *before* Office found, or the appearing of the Title by any matter of Record.

2 Ventr. 188, 267.

[d] **Shall be void.**] In the Caſe of *Betts* and *Gale*, the Obligation was, to pay forty pounds *per Annum*, *ſo long as*

3 Keble, 813.

he

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Officers of Inheritance, and ſome others, excepted.

III. Provided always, that this Act or any thing therein contained, ſhall not in any wiſe extend to any Office or Offices, whereof any perſon or perſons is or ſhall be ſeiſed of any Eſtate of Inheritance, nor to any Office of Parkſhip, or of the keeping of any Park, Houſe, Manor, Garden, Chaſe or Foreſt, or to any of them: Any thing in this Act heretofore mentioned to the contrary thereof, in any wiſe notwithſtanding.

All Acts done by ſuch corrupt Officers ſhall be good in Law.

IV. Provided alſo, that if any perſon and perſons do hereafter offend in any thing contrary to the tenor and effect of this Act, yet notwithſtanding, all Judgments given, and all other Act and Acts executed or done by any ſuch perſon or perſons ſo offending, by authority or colour of the office or deputation, which ought to be forfeited, or not occupied, or not enjoied by the perſon ſo offending, as is aforeſaid, after the ſaid offence ſo by ſuch perſon committed or done, and before ſuch perſon ſo offending, for the ſame offence be removed from the exerciſe, adminiſtration and occupation of the ſaid office or deputation; ſhall be, and remain good and ſufficient in Law, to all intents, conſtructions and purpoſes, in ſuch like manner and form as the ſame ſhould and ought to have remained and been, if this Act had never been had nor made.

This Act ſhall not extend to Sales and Bargains, to be made before the firſt of *March*,

V. Provided alſo, that this Act, or any thing therein contained, ſhall not in any wiſe extend to any bargain, ſale, gift, grant, nomination, bond, covenant, promiſe, agreement, or aſſurance whatſoever it be, of or for any the office or offices, deputation or deputations aforeſaid, or any part of any of them, had, made, done, concluded, or agreed, before the firſt day of March next coming; but that the ſame bargain, ſale, gift, grant, nomination, bond, covenant, promiſe, agreement or aſſurance, had, made, concluded or agreed before the ſaid firſt day of March, ſhall always remain, continue, and be of ſuch force, ſtrength and effect, as if this Act had never been had or made; any thing before in this Act mentioned to the contrary thereof in any wiſe notwithſtanding.

—nor to Places and Offices in the gift of the Chief Juſtices, and Juſtices of Aſſize.

VI. Provided always, and be it enacted by the authority aforeſaid, that this Act or any thing therein contained, ſhall not in any wiſe extend or be prejudicial or hurtful to any of the chief Juſtices of the Kings Courts, commonly called the Kings Bench, or Common Pleas, or to any of the Juſtices of Aſſize, that now be, or hereafter ſhall be; but that they and every of them, may do in every behalf, touching or concerning any office or offices to be given or granted, by them or any of them, as they, or any of them might have done before the making of this Act: any thing abovementioned to the contrary in any wiſe notwithſtanding.

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he ſhould have and exerciſe the Office of Regiſter of the Archdeacon of Chicheſter; but the Court would not allow the Bond to be *void* upon this Statute, becauſe the Money was not expreſly ſaid to be made payable *for the Office*. The thing forbidden, is, The taking any Bond, to receive Profit *directly* or *indirectly for any Office*; and as a Bond to receive 40 *l. per Ann. for the Office*, would be the receiving of Profit *directly* for it; ſo it ſhould ſeem, that 40 *l.* to be paid yearly, ſo long as he ſhould exerciſe the Office, favours ſtrong enough of a Payment *for that Office*, to be called the Receiving of Profit, *Indirectly*.

12 Rep. 78.

My Lord *Coke*'s Obſervation upon this Statute, is, that being made *for avoiding of Corruption in Officers, and for the advancement of Perſons more worthy and ſufficient to execute the ſaid Offices, by which Juſtice and Right ſhall be alſo advanced; it ſhall be expounded moſt beneficially to ſuppreſs Corruption:* And, that this and the like Statutes, particularly the Statute againſt *Simony*, might attain their reſpective ends; it is greatly to be wiſhed, that ſome marks of *Diſgrace* were ſet upon Bonds of this and the like nature; which, being encouraged, will always render the *beſt* and *ſtrongeſt* Laws that can be made, fruitleſs and ineffectual.

1 Eliz. Cap. 19.

A.D. 1559.

In an Act, Entituled, *An Act giving Authority to the Queens Majeſty, upon the Avoidance of any Archbiſhoprick or Biſhoprick*, &c.

All Grants of *Hereditaments* belonging to any Archbiſhoprick, or Biſhoprick,

§. VII. AND be it further Enacted by the Authority aforeſaid, That all Gifts, Grants, Feoffments, Fines, or other Conveyances or Eſtates, from the firſt Day of this preſent Parliament, to be had, made, done, or ſuffered by any Archbiſhop or Biſhop, of any Honours, Caſtles, Mannors, Lands, Tenements, or other *e* Hereditaments, being Parcel of the Poſſeſſions of his Archbiſhoprick or Bi-

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3 Cro. 259.
Jones (W.) 264.

e **Hereditaments**] It hath been adjudged, that the Offices of Chancellour, Commiſſary, Official, Regiſter, *&c.* are *Hereditaments* within the words and intent of this Statute, as well as the *Poſſeſſion* of the Biſhoprick. The general *deſign* of which Statute in the Caſe of *Biſhops*, and of 13 *Eliz.* c. 10. in the Caſe of other *Eccleſiaſticks*, being to preſerve the Rights of *Succeſſors*, againſt any illegal Practices of the *preſent* Poſſeſſors; it hath been, ever ſince, the general Rule in the Courts of Common-Law, that no Offices of any kind are grantable by Biſhops, or other Eccleſiaſtical Perſons, as ſuch, in any *larger extent*, than they ſhall appear to have been granted *before* this Statute, and the Stat. 13 *Eliz.* c. 10.

More eſpecially, it hath been declared, as a Maxim there, That Grants of Offices being made for *more Lives*, than they had been made for before theſe Statutes, or, being made in *Reverſion*, where *before* theſe Statutes they had not been made in Reverſion; are both void.

3 Cro. 47, 259.
2 Lev. 136.
4 Mod. Rep. 17, 18.
Show. 289.
3 Keb. 506.
2 Ventr. 187.

But where the queſtion is, Whether this or that Office hath been granted, for two, or three Lives, or in reverſion, before this Statute; the Temporal Courts are *ſaid* to be ſo favourable to the Patentees in the *degrees* of Proof, as to *allow* a *Practice* of ſuch Grants for many years paſt, tho' not reaching quite to the times of theſe Statutes, to be ſufficient Evidence of the Practice *before* the Statutes; as we alſo find it particularly *alledged* in the Caſe of *Ridley* and *Pownell*, and there ſaid to be the Opinion of my Lord *Hales*. But it is to be hoped, when they give ſo much authority

Pollexf. p. 137, 138.
4 Mod. Rep. 17.

Patents, and Patentees, for Spiritual Juriſdiction.

ſhoprick, or united, appertaining, or belonging to any of the ſame Archbiſhopricks or Biſhopricks; to any perſon or perſons, Bodies politick or Corporate, (other than to the Queens Highneſs, her Heirs or Succeſſors) wherein any Eſtate or Eſtates ſhould, or may paſs from the ſame Archbiſhop or Biſhop, or any of them, other than for the Term of xxi. Years, or three Lives, from ſuch time as any ſuch Leaſe, Grant or Aſſurance ſhall begin, and whereupon the old accuſtomed yearly Rent or more, ſhall be reſerved and payable yearly during the Term of xxi years, or three lives, ſhall be utterly void, and of none effect, to all Intents, Conſtructions and Purpoſes; any Law, Cuſtom or Uſage to the contrary in any wiſe notwithſtanding.

— that ſhall be made to any Perſon or Perſons (other than for 21 Years, or 3 Lives, with accuſtomed Rent,) — ſhall be utterly void.

thority to *Preſumptive* Proofs of this nature, they mean only in ſuch Places, where no *Evidence* is remaining of the Grants that were made *before* the times of theſe Statutes.

2 Salk. p. 465. Carth. 213.

In the Caſe of *Jones* and *Pugh*; the Biſhop of *Landaff* had granted the Office of Vicar General to two perſons, *habend.' conjunctim & diviſim, exercend.' per ſe vel ſufficien.' deputatum.* It appear'd, and was made part of the Cauſe by the Counſel on both ſides, that this Office had been *anciently* and *uſually* granted to two, *conjunctim & diviſim*, and to the Survivor of them. But it was objected, that a judicial Office could not be granted to two; for if they differ, nothing can be done. But the Anſwer was, that the ſame may be ſaid of four Judges, as in the Court of King's Bench; and in Miniſterial Offices, as two Sheriffs. And the Court held the Grant good, and ſaid, If an Office be granted to two, and one dies, the Office does not ſurvive, but determines; as if there be two Sheriffs, and one dies, the other cannot act; otherwiſe, if granted to two, and the *Survivor* of them.

A.D. 1571.

13 Eliz. Cap. 10.

In an Act, Entituled, *Fraudulent Deeds to defeat the Succeſſor of Remedy for Dilapidations, ſhall be void.*

§. III. —— Be it enacted by the Authority aforeſaid, That from henceforth all Leaſes, Gifts, Grants, Feoffments, Conveyances or Eſtates, to be made, had, done or ſuffered by any Maſter and Fellows of any College, Dean and Chapter of any Cathedral or Collegiate Church, Maſter or Guardian of any Hoſpital, Parſon, Vicar or any other having any Spiritual or Eccleſiaſtical Living, of any Houſes, Lands, Tythes, Tenements or † Hereditaments, being any parcel of the Poſſeſſions of any ſuch College, Cathedral Church, Chapel, Hoſpital, Parſonage, Vicarage, or other Spiritual Promotion, or any ways appertaining or belonging to the ſame, or any of them, to any perſon or perſons, Bodies politick or corporate, other than for the term of one and twenty years, or three lives, from the time as any ſuch Leaſe or Grant ſhall be made or granted, (whereupon the accuſtomed yearly Rent or more ſhall be reſerved, and payable yearly during the ſaid term) ſhall be utterly void and of none effect, to all intents, conſtructions and purpoſes; any Law, Cuſtom or Uſage to the contrary any ways notwithſtanding.

† See the Note on the foregoing Statute, 1 *Eliz.*

All Grants of *Hereditaments*, made by Deans and Chapters, &c. or any Perſons having Eccleſiaſtical Livings, other than for 21 Years, or 3 Lives,

— with the accuſtomed Rent, or more, reſerved, — ſhall be void.

A.D. 1693.

5, 6 Will. & Mar. Cap. 21.

—— For every Skin of Vellum or Parchment, † or for every Sheet of Paper", upon which any Grant of any Office or ‡ Employment, which ſhall be above the value of * fifty pounds per annum, ſhall be ** written or ingroſſed, the Sum of † forty *** Shillings.

Stamp of Grant or Patent, 40*s.*

† Doubled in the ſame words, 9, 10, *W.* 3. c. 45. In all 4*l.* † Trebled, 12 *Annæ*, c. 19. — In all 6*l.*

† Or Sheet or Piece of Paper, 12 *Annæ.*
‡ Employment in *Great Britain*, which — 12 *Annæ.*
* Fifty Pounds ſterling *per annum*, — 12 *Annæ.*
** Engroſſed or written, 12 *Annæ.*
*** Shillings ſterling, 12 *Annæ.*

A.D. 1707. &c.

6 Annæ, Cap. 1. — 13 Georg. Cap. 3.

In the Acts, Entituled, *For granting an Aid to her Majeſty*, &c.

And it is hereby Declared, That in all Places where any the Patent Officers of the ſeveral Biſhops, or any of them, in England and Wales, were Aſſeſſed and did pay for their reſpective Offices or Imployments of Profit, relating to the ſaid Biſhopricks, unto or for the Aid of Four Shillings in the Pound, in the Year One thouſand ſix hundred ninety three, the ſame reſpective Offices and Imployments of Profit under the preſent Biſhops, or relating to the ſame Biſhopricks, or any of them, and the Patent-Officers therein, ſhall be Aſſeſſed and Chargeable in the ſame Pariſhes and Places reſpectively, and none other, towards the Sum to be Raiſed by this Act to Her Majeſties Uſe.

Patent-Officers of Biſhops ſhall pay to the Aid of 4*s.* *per* pound, in the places where they were taxed, *ann.* 1693.

CAP. II.

QUALIFICATIONS *and* BEHAVIOUR *of* JUDGES *in the Spiritual Courts.*

HENRICUS CHICHELEY.

A.D.1415.
3 *Henr.* 5.

Nullus conjugatus Clericus, bigamus, ſeu Laicus, juriſdictionem ſpiritualem quoviſmodo & qualemcunque exerceat, nec Regiſtrarius exiſtat, nec à Prælato minore quàm Epiſcopo ad hoc aſſumatur; aut aſſumens ſuſpendatur, & ſe ingerens Laicus excommunicetur; cunctaque per eum acta, irrita ſint & caſſa.

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Lyndw. Edit. Oxon. p. 128.

To remove the Scandals brought upon the Authority of the Church,

—no *married Perſon*, nor *Bigamus*, nor *Layman*, ſhall be concerned in Eccleſiaſtical Juriſdiction,

—upon pain of Suſpenſion of the Ordinary,

—and Nullity of the Proceedings.

CUM ex eo quòd Clerici conjugati, [f] bigami, necnon [g] Laici, Juriſdictionem Eccleſiaſticam exercere, ac de criminibus & exceſſibus ad forum & coertionem Eccleſiæ pertinentibus, interdum ſuo, interdum ſub alieni nominis umbra ſeu velamine inveſtigare & inquirere, eaque punire, & corrigere, ac Excommunicationum Literas & Suſpenſionum decernere præſumunt; ac negotiorum correctionum hujuſmodi [h] Scribæ & [hh] Regiſtrarii, ac Regiſtrorum eorundem Cuſtodes exiſtunt; non modicum patiatur Eccleſia ſcandalum, ac Eccleſiaſtica vileſcat Auctoritas pariter & Cenſura: Nos igitur hujuſmodi ſcandalis occurrere, & Eccleſiæ honeſtati decorique providere volentes, Sacrorum imitando veſtigia Canonum, præſentis auctoritate Concilii Ordinamus & Statuimus, quòd nullus Clericus conjugatus, bigamus, ſive Laicus, quovis exquiſito colore, ſub ſuo vel alieno nomine, infra noſtram *Cantuarienſem* Provinciam de cætero Juriſdictionem Spiritualem exerceat qualemcunque; nec in cauſis correctionum, ſcilicet cum ad correctionem animæ, vel ubi ex Officio Judicis proceditur, Scriba, aut Regiſtrarius, aut Regiſtri correctionum hujuſmodi Cuſtos quomodolibet exiſtat. Quodque quicunque Ordinarius Epiſcopo inferior, ſeu Juriſdictionem obtinens Eccleſiaſticam, Clericum conjugatum, laicum, vel bigamum, ad præmiſſa, vel eorum aliquod aſſumere, recipere, vel poſt duorum menſium ſpatium à tempore publicationis hujuſmodi Conſtitutionis, in Officio Juriſdictionis hujuſmodi tolerare ſcienter, ſeu retinere præſumpſerit, vel admiſſum, vel in poſterum admittendum realiter non amoverit, pœnam Suſpenſionis ab exercitio Juriſdictionis hujuſmodi, necnon ab ingreſſu Eccleſiæ, incurrat ipſo facto. Citationes inſuper, proceſſus, ſententiæ, actaque & geſta quæcunque per eoſdem Clericos conjugatos, laicos, ſive bigamos, habita ſive facta in præmiſſis, vel aliquo præmiſſorum, per modum ſuperius expreſſatum, ſint nulla, caſſa, irrita & inania ipſo Jure. Iidemque Clerici conjugati, bigami, ſive laici, præmiſſis vel eorum alicui contra præſentis prohibitionem Concilii ſe ingerentes, Sententiam majoris Excommunicationis incurrant ipſo facto.

[f] Bigami.] *Licèt* jam *non Conjugati.* Lyndw.

[g] Laici.] *Etiam non Conjugati.* Lyndw.

[h] Scribæ.] i. e. *Notarii, qui ſcribunt Acta coram eis habita.* Lyndw.

[hh] Regiſtrarii.] *Qui ſcil. Acta & Proceſſus Judicum in Librum Regiſtri redigunt.* Lyndw.

37 Henr. VIII. Cap. 17.

A.D.1549.

Doctors of Civil Law, married or unmarried, may exerciſe all manner of Eccleſiaſtical Juriſdiction.

To defeat Eccleſiaſtical Juriſdiction, belonging to the Crown,

—Papal Conſtitutions have been made, that no lay, or married Man ſhall exerciſe it,

[i] IN moſt humble wiſe ſhew and declare unto your Highneſs your faithful, humble and obedient ſubjects, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, That where your moſt Royal Majeſty is, and hath always juſtly been by the Word of God, Supreme Head in the earth of the Church of England, and hath full Power and Authority to correct, puniſh and repreſs all manner of Hereſies, Errors, Vices, Sins, Abuſes, Idolatries, Hypocriſies and Superſtitions, ſprung and growing within the ſame, and to exerciſe all manner of Jurisdictions, commonly called Eccleſiaſtical Jurisdictions: Nevertheleſs the Biſhop of Rome and his Adherents, minding utterly as much as in him lay, to aboliſh, obſcure and delete ſuch Power given by God to the Princes of the earth, whereby they might gather and get to themſelves the Government and Rule of the World, have in their Councils and Synods Provincial made, ordained, eſtabliſhed and decreed divers Ordinances and Conſtitutions, that no Lay or Married Man ſhould or might exerciſe or occupy any Jurisdiction Eccleſiaſtical, nor ſhould be any Judge or Regiſter in any Court, commonly called Eccleſiaſtical Court; leſt their falſe and uſurped Power, which they pretended and went about to have in Chriſt's Church,

[i] In moſt humble] A Statute to the ſame effect had been prepared ſome years before; as we learn from the following Entry in the Records of Convocation, *March* 3. 1451. i. e. 33 *Henr.* 8. *Eodem die Dominus Cancellarius exhibuit* Actum, *ubi decernitur*, *Cancellarios Epiſcoporum poſſe conjungi Matrimonio*, &c. *à quo diſſentiebant Epiſcopi*, &c.

ſhould

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ſhould decay, wax vile, and be of no reputation; as by the ſaid Councils and Conſtitutions Provincial it appeareth: which ſtanding and remaining in their effect, not aboliſhed by your Grace's Laws, did ſound to appear to make greatly for the ſaid uſurped Power of the ſaid Biſhop of Rome, and to be directly repugnant to your Majeſty as Supreme Head of the Church, and Prerogative Royal, your Grace being a Lay-Man.

—which ſeems to make much for the Papal Power;

II. And albeit the ſaid Decrees, Ordinances and Conſtitutions by a Statute made in the five and twentieth year of your moſt noble Reign, be utterly aboliſhed, fruſtrate, and of none effect: yet becauſe the contrary thereunto is not uſed, nor put in practice by the Archbiſhops, Biſhops, Archdeacons and other Eccleſiaſtical Perſons, who have no manner of Juriſdiction Eccleſiaſtical, but by, under and from your Royal Majeſty, it addeth, or at leaſt may give occaſion to ſome evil-diſpoſed Perſons, to think, and little to regard the Proceedings and Cenſures Eccleſiaſtical, made by your Highneſs and your Vicegerent, Officials, Commiſſaries, Judges and Viſitors, being alſo Lay and Married Men, to be of little or none effect or force; whereby the People gathereth heart and preſumption to do evil, and not to have ſuch reverence to your moſt godly Injunctions and Proceedings as becometh them.

—and altho' ſuch Conſtitutions were aboliſht by 25 *H.* 8. *c.* 19.

—yet being ſtill practiſed, the Cenſures of Lay and married Men may be deſpiſed.

III. But foraſmuch as your Majeſty is the onely and undoubted Supream Head of the Church of England, and alſo of Ireland, to whom by holy Scripture all Authority and Power is wholly given to hear and determine all manner Cauſes Eccleſiaſtical, and to correct Vice, and Sin whatſoever, and to all ſuch Perſons as your Majeſty ſhall appoint thereunto: That in conſideration thereof, as well for the Inſtruction of ignorant Perſons, as alſo to avoid the occaſion of the Opinion aforeſaid, and ſetting forth of your Prerogative Royal and Supremacy:

The King, by Scripture, hath Power to hear all Cauſes Eccleſiaſtical, and to correct Vice.

IV. It may therefore pleaſe your Highneſs, that it may be ordained and enacted, by the Authority of this preſent Parliament, That all and ſingular Perſons, as well Lay as thoſe that be now married, or hereafter ſhall be married, [k] being Doctors of the Civil Law, lawfully create and made in any Univerſity, which ſhall be made, ordained, conſtituted and [kk] deputed to be any Chancellor, Vicar-General, Commiſſary, Official, Scribe or Regiſter by your Majeſty, or any of your Heirs, or Succeſſors, or by any Archbiſhop, Biſhop, Archdeacon, or other Perſon whatſoever, having Authority under your Majeſty, your Heirs and Succeſſors, to make any Chancellor, Vicar-General, Commiſſary, Official or Regiſter; may lawfully execute and exerciſe all manner of Juriſdiction, commonly called Eccleſiaſtical Juriſdiction, and all Cenſures and Coercions appertaining, or in any wiſe belonging unto the ſame, albeit ſuch perſon or perſons be Lay, Married or Unmarried, ſo that they be Doctors of the Civil Law, as is aforeſaid; any Law, Conſtitution or Ordinance to the contrary notwithſtanding.

Lay and married Men may lawfully exerciſe all manner of Eccleſiaſtical Juriſdiction;

—and all Cenſures and Coercions, belonging to the ſame.

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1 Cro. 314.
3 Cro. 258.
Poph. 37.

[k] **Being Doctors.**] *Ann.* 8 *Car.* 1. in the Caſe of *Walker* and *Sir John Lamb*, it was adjudged, that a Grant of any Office ſpecified in this Statute, is good, tho' not made to a *Doctor of Civil Law*; partly becauſe the only *deſign* of the Statute, was, to declare who *might* enjoy ſuch Offices, namely, Lay, and Married Men; and partly becauſe the Statute is wholly affirmative, without any reſtriction; and notwithſtanding it ſays, that Doctors of Civil-Law (although Lay-perſons, or Married) ſhall have ſuch Offices; it doth not ſay, that none others ſhall have them. Add to this, that the Statute annexes this qualification of being Doctor of Civil Law to *Scribes* and *Regiſters*, as ſtrongly as to Chancellors, Vicars General, Commiſſaries, and Officials; and yet we cannot well ſuppoſe it the intention of the Legiſlators, that none who are Lay or Married, and not Doctors of Civil Law, ſhould be Regiſters or Scribes; or, whatſoever their *Intention* was, the Practice is univerſally *contrary*, notwithſtanding this Statute. And yet it muſt be owned, that the limiting Clauſe in the concluſion of the Act *(So that they be Doctors of Civil Law)* ſeems to confine it to *them*, and to exclude all others, who are *not* Doctors, from the favour and benefit of it.

[kk] **Deputed.**] In the Caſe of the Biſhop of S. *Davids*, it was held by the Court of King's Bench, that notwithſtanding the Appointment of a Chancellor or Vicar-General, the Archbiſhop and every Biſhop may ſit Judge himſelf; for, as it is there added, 'The power of a Chancellor or Vicar-General is only delegated, in caſe of the Biſhop.'

1 Salk. 134.

A.D. 1554.

1, 2 Phil. & Mar. Cap. 8.

In an Act, Entituled, *An Act Repealing all Articles and Proviſions made againſt the See Apoſtolick*, &c.

XXII. And where alſo one other Act was made in the xxxvii. year of the Reign of the ſaid late King Henry the eight, entituled, An Act that Doctors of Civil Law, being married, might exerciſe Eccleſiaſtical juriſdiction: Be it enacted by the authority of this preſent Parliament, That the ſaid Act laſt before mentioned, and all and every branch, article, ſentence and matter contained in the ſame, ſhall from henceforth be repealed, and utterly made void, and of none effect.

Repeal of the foregoing Act.

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A.D.1558.

1 Eliz. Cap. 1.

In an Act, Entituled, *An Act to reſtore to the Crown the ancient Juriſdiction over the Eſtate Eccleſiaſtical*, &c.

Reviver of the foregoing Act, 37 *H.* 8. c. 17.

—XII. And alſo one Act made in the ſeven and thirtieth year of the Reign of the ſaid late King Henry the eight, intituled, An Act that Doctors of Civil Law, being Married, may exerciſe Eccleſiaſtical Juriſdiction: And all and every Branches and Articles in the ſaid two Acts laſt mentioned, and not repealed in the time of the ſaid late King Edward the ſirt, may from henceforth likewiſe ſtand and be revived, and remain in their full force and ſtrength, to all intents and purpoſes: Any thing contained in the ſaid Act of repeal before-mentioned, or any other matter or cauſe to the contrary notwithſtanding.

CANONS 1603.

1 Jac. 1.

cxxvii. *The Quality and Oath of Judges.*

Every Eccleſiaſtical Judge ſhall be,

NO Man ſhall hereafter be admitted [l] a Chancellor, [m] Commiſſary or [n] Official, to exerciſe any Eccleſiaſtical Juriſdiction, except he be of the full age of [nn] ſix and

Lyndw. De Sequeſtr. c. *Frequens*, v. *Vicar. Gen.* p. 104. Simile, *J. de Athon.* in Othonem de Inſt. Vic. v. *Ad Vicar.* p. 24.

[l] **Chancellour,]** This Name, beſides it's own *original* Import, hath been made by uſage to comprehend two other Offices, viz. *Vicar General*, and *Official Principal*; the difference of which two is thus expreſſed by *Lyndwood*: *Officiales dicuntur, quibus Cauſarum Cognitio generaliter per habentes Juriſdictionem Eccleſiaſticam committitur; & in tales transfunditur Cognitio Cauſarum totius Diæceſeos, non tamen Inquiſitio, nec Correctio ſive Punitio Criminum; nec poſſunt aliquos amovere à Beneficiis, nec conferre Beneficia, niſi* ſpecialiter *fuerint talia eis commiſſa. Sed* Vicarii Generalcs *omnia prædicta facere poſſunt, virtute Officii, exceptâ Collatione Beneficiorum.*

As to the title of *Chancellor*; that is not mentioned in the *Commiſſion*, and but rarely in our ancient Records, but ſeems to have grown into uſe in imitation of the like title in the State; inaſmuch as the proper Office of a Chancellor as ſuch, was, to *be Keeper of the Seals* of the Archbiſhop or Biſhop. This is plain from the following Entries which we meet with in the Regiſter of Archbiſhop *Reynolds*; *Memorand'. quòd* 14 *Kal.* Decembris, *receſſit Mr.* Johannes Ros, *Cancellarius Domini à Curiâ verſus partes Kanciæ, de licentiâ Domini; qui quidem Dominus tradidit eodem die* Sigilla *ſua* cuſtodienda *Magiſtro* Johanni *de* Braytone. And elſewhere, *Quia Cancellarius noſter utrumque* Sigillum *Officii Dignitatis noſtræ, magnum,* viz. *atque parvum, continuè ſecum geſtat*; therefore, the Archbiſhop ſays, he uſed *Sigillum noſtrum* privatum *rotundum in cuſtodiâ noſtrâ remanens —dorſo Sigilli noſtri hîc appenſi imprimi fecimus*; In like manner, as the Letters to ask Alms, are directed to be *ſub Sigillo ipſius Domini Cantuar'. magno, unà cum impreſſione privati Sigilli,* viz. *Signeti ſui, in dorſo ejuſdem Sigilli Sigillatas.* And, in Archbiſhop *Iſlip*'s time, the Dean of *Pagham*, reſigning his Office, is ſaid to deliver the Seal of that Office, *Cancellario Domini.*

Regiſtr. *Reyn.* f. 16, a.

Ib. f. 265. b.

Witleſ. 145.

Regiſtr. *Iſlip*, f. 10, b.

Otho, de Sigill. c. *Quoniam Tabellionum.* v. *Confidat.* p. 67.

Agreeable to theſe, is what we find in *J. de Athon*, who having ſpoken of the Power of Biſhops, &c. to commit to particular Perſons the Sealing of Inſtruments, which themſelves do not ſee, adds, *Ad hæc vidimus* Cancellarios *deputari.*

Concerning the *nature* and *extent* of the *Power* of Chancellors (as that name is underſtood at preſent,) I cannot better explain it, than in the words of the learned Biſhop *Stillingfleet.*

Bonds of Reſign. p. 60.

6. *De Appel.* c. *Roman. Lyndw.* f. 54.

9. *R.* 41. *De Teſtam.* c. *Stat.* v. *Approbat. Lyndw.* p. 171.

6 Decret. *De Officio Vicarii.* c. 2.

Lyndw. *De Sequeſtr.* v. *Officiales.* p. 104.

“There is a Difference in Law and Reaſon between an “*Ordinary Power* depending on an ancient *Preſcription* and “*Compoſition* (as it is in ſeveral places in the *Deans* and “*Chapters* within certain Precincts) and an *Ordinary Power* “in a *Subſtitute*, as a *Chancellour* or *Vicar General.* For “although ſuch an Officer hath the ſame Court with the “Biſhop, ſo that the Legal Acts of Court are the Biſhop's “Acts, by whoſe Authority he ſits there; ſo that no Ap-“peal lies from the Biſhop's Officer to himſelf, but to the “Superiour: and although a *Commiſſary* be allowed to have “the Power of the *Ordinary* in *Teſtamentary Cauſes*, which “were not originally of *Spiritual Juriſdiction*, as it is ſaid “in *Henſlow*'s Caſe, with which *Lyndwood* agrees: yet in “Acts of Spiritual and Voluntary *Juriſdiction* the Caſe is “otherwiſe. For the Biſhop, by appointing a *Chancellour*, “doth not diveſt himſelf of his own *Ordinary Power*; but “he may delegate ſome parts of it by *Commiſſion* to others, “which goes no farther than is expreſſed in it. For it is a “very great Miſtake in any to think, that ſuch who act by “a *Delegated Power*, can have any more Power than is “given to them, where a *Special Commiſſion* is required for “the Exerciſe of it. For by the *General Commiſſion* no o-“ther Authority paſſes, but that of *hearing Cauſes:* but all “Acts of voluntary Juriſdiction require a *Special Commiſſion*, “which the Biſhop may reſtrain as he ſees Cauſe. For, as “*Lyndwood* ſaith, *Nothing paſſes*, virtute officii, *but the* “*hearing of Cauſes:* ſo that other Acts depend upon the “Biſhop's particular Grant for that purpoſe. And the Law “no where determines the Bounds of a *Chancellour's Power* “as to ſuch Acts; nor can it be ſuppoſed ſo to do, ſince “it is but a *Delegated Power*, and it is in the Right of him “that Deputes, to Circumſcribe and Limit it. Neither “can *Uſe* or *Cuſtom* inlarge ſuch a Power, which depends “upon another's Will. And however, by modern Prac-“tice, the Patents for ſuch Places have paſſed for the Life “of the Perſon to whom they were firſt granted; yet it “was not ſo by the ancient *Eccleſiaſtical Law of* England. “For *Lyndwood* affirms, That a Grant of Juriſdiction ceaſes “by the Death of him who gave it, *Per mortem Deputan-*“*tis ceſſat Poteſtas Officialium* (or elſe it could never paſs “into the Dean and Chapter *ſede vacante*; or to the “Guardian of the Spiritualties.) And he gives a good Rea-“ſon for it; *Nè invitus habeat Officialem ſibi fortaſſis odio-*“*ſum.* It's true, that by the Statute 37 *H.* VIII. *c.* 17. “meer Doctors of Law are made capable of Exerciſing *all* “*manner of Eccleſiaſtical Juriſdiction.* But it doth not aſ-“ſign the Extent of their Juriſdiction, but leaves it to the “Biſhops themſelves, from whom their Authority is deri-“ved. And the Law ſtill diſtinguiſhes between *Poteſtas* “*Ordinaria* and *Delegata:* for the former ſuppoſes a Per-“ſon to act in his own Right, and not by Deputation; “which, I ſuppoſe no *Chancellours* or *Officials* will pretend “to.

Bracton, l. 5. c. 2. Fleta, l. 6. c. 37. 1 Inſt. 56. Cowel. v. *Ordin.*

1 Ventr. 3. 2 Keb. 439. 3 Mod. Rep. 334.

Ant. Brit. p. 26.

The Diſtinction here laid down between Contentious and Voluntary Juriſdiction, as the one is ſuppoſed to be conveyed to the Official, and the other to remain in the Biſhop; is ſupported, as to the *contentious Juriſdiction*, by the Books of Common-Law; which affirm, that a Biſhop may well ſue for a Penſion, or other Rights, before his own Chancellor; and ſay, that the Archbiſhop having conſtituted a Dean of the Arches [they mean an *Official Principal*] to receive *Appeals*, cannot afterwards come into that Court, and execute the Office himſelf. Add to this, what is generally ſaid, that if a Biſhop doth not conſtitute a Chancellor, he may be *obliged* to do it by the Archbiſhop of the Province.

But

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twenty Years at the leaſt, and one that is *o* learned in the Civil and Eccleſiaſtical Laws, and is at the leaſt a Maſter of Arts, or Batchelour of Law, and is reaſonably well practiſed in the Courſe thereof, as likewiſe well affected, and zealouſly bent to Religion, touching whoſe Life and Manners no evil example is had; and except before he enter into, or execute any ſuch Office, he ſhall take the Oath of the King's Supremacy in the preſence of the Biſhop, or in the open Court, and ſhall ſubſcribe to the Articles of Religion, agreed upon in the Convocation, in the year one Thouſand five Hundred, ſixty and two, and ſhall alſo ſwear that he will, to the uttermoſt of his Underſtanding, deal uprightly and juſtly in his Office, without reſpect, or favour of Reward: the ſaid Oaths and Subſcription to be recorded by a Regiſter then preſent. And likewiſe all Chancellors, Commiſſaries, Officials, Regiſters, and all other that do now poſſeſs or execute any places of Eccleſiaſtical Juriſdiction, or Service, ſhall before *Chriſtmas* next, in the Preſence of the Archbiſhop or Biſhop, or in open Court, under whom or where they exerciſe their Offices, take the ſame Oaths, and ſubſcribe as before is ſaid: Or upon refuſal ſo do do,

—twenty ſix Years of Age,
—Maſter of Arts, or Batchelour of Law,
—and ſhall take the Oath of Supremacy,
—and ſubſcribe the 39 Articles.
—and Swear to do Juſtice.

All Eccleſiaſtical Officers ſhall take the ſame Oaths,

But as to the other Branch, *viz. voluntary Juriſdiction*, as, Viſitation, Inſtitution, Licences, and the like; all *that* remains in the Archbiſhop or Biſhop, notwithſtanding the General Grant of *omnis & omnimoda Juriſdictio* to the Official. And therefore in our ancient Eccleſiaſtical Records, we find *Special Commiſſions* to hear and determine the *comperta* and *detecta in Viſitatione*, granted by the Viſitors to ſuch Perſons whoſe Zeal and Integrity they could confide in, for the effectual Proſecution of the Crimes and Vices detected. In like manner, *Inſtitutions*, *Licences*, and the like, can belong to Chancellours no otherwiſe, than as the Right of Granting is convey'd to them *diſtinctly* and in *expreſs Terms*; and all that is here ſaid of *Chancellours*, holds equally in the Caſe of *Commiſſaries*, and *Officials*, according to the reſpective Powers *delegated* to them.

This diſtinction of Juriſdiction, as paſſing or not paſſing by the general words, is plainly warranted by the ancient Canon-Law:

6 Decretal. l. 1. t. 13. c. 2.

Licèt in officialem Epiſcopi per commiſſionem officii generaliter ſibi factam, cauſarum cognitio transferatur, poteſtatem tamen inquirendi, corrigendi, aut puniendi aliquorum exceſſus, ſeu aliquos à ſuis beneficiis, officiis, vel adminiſtrationibus amovendi, transferri nolumus in eundem: Niſi ſibi ſpecialiter hæc committantur.

Ibid. c. 3.

Cum in generali conceſſione nequaquam illa veniant, quæ non eſſet quis veriſimiliter in ſpecie conceſſurus: nec regulariter donare valeat is, cui bonorum adminiſtratio etiam libera eſt conceſſa: Officialis, aut Vicarius generalis Epiſcopi beneficia conferre non poſſunt: Niſi beneficiorum collatio ipſis ſpecialiter ſit commiſſa.

Concerning Eccleſiaſtical Judges, and the Patents to be granted to them, the Convocation of 1640. ordained as follows.

Can. xi. 1640.

"For the better remedying and redreſs of ſuch Abuſes "as are complained of in Eccleſiaſtical Courts, the Synod "doth decree and ordain, That hereafter no Biſhop ſhall "grant any Patent to any *Chancellour*, *Commiſſary*, or *Official*, for any longer Term than the Life of the Grantee "only; nor otherwiſe than with expreſs Reſervation to "himſelf and his Succeſſors, † of the Power to execute the "ſaid Place, either alone, or with the Chancellour, if the "Biſhop ſhall pleaſe to do the ſame. Saving always to the "ſaid Chancellours, &c. the Fees accuſtomably taken for "executing the ſaid Juriſdiction. And that in all ſuch Patents, the Biſhop ſhall keep in his own hands the Power "of ‡ Inſtitution into Benefices, as alſo of giving Licences "to preach or keep School. And further, that no Dean "and Chapter confirm any Patent of any *Chancellour's*, "*Commiſſary's*, or *Official's* Place, wherein the ſaid Conditions are not expreſſed, *ſub pœna ſuſpenſionis*, to the "Dean (or his *locum tenens*, if he paſs the Act in his abſence) and to every Canon or Prebendary, voting to the "Confirmation of the ſaid Act; to be inflicted by the Arch"biſhop of the Province.

† al. *in*.

In the Caſe of the Biſhop of *Cloyne* (Reports of Caſes in the time of Queen *Anne*, p. 63.) *Holt* ſaid, he thought the Biſhop might ſit in Court, as he is a Judge; but he cannot deprive the Chancellor of his *temporal* fees.

To what hath been ſaid upon this head, I will only add, That our Eccleſiaſtical Laws evidently *ſuppoſe* a *Judicial Authority* remaining in Ordinaries, for the Correction and Puniſhment of their own Officers, however conſtituted by Patent; inaſmuch as the Chancellours for divers Crimes ſhall be *ſuſpended by their Biſhops* (as, for Divorces unduly made, for not preſenting Recuſants, for not certifying Preſentments at Viſitations;) and it may be taken for granted, that the Parties concerned will not *allow* the Power of Suſpenſion, in theſe and the *like* Caſes, without *legal Proceſs*.

Can. 108, 114, 121.

Of the *Vicarius Generalis in Spiritualibus*, who was uſually appointed by Biſhops employed in Embaſſies abroad, &c. I have ſpoken in the *Introductory Diſcourſe*, after the general Preface.

Vid. Introduc. Diſc.

m **Commiſſary.**] This Officer is termed *Officialis foraneus* in the *Clementine* Conſtitutions; and the Deſcription which the Gloſs gives of them, is, *Qui in certâ parte Diœceſis, vel ad certos* actus *conſtituuntur*; *viz.* in ſuch Places, and for ſuch Acts, as, by reaſon of Diſtance, &c. are inconvenient for the Chief Conſiſtory. But beſides theſe, all Perſons adminiſtring *Peculiar Juriſdiction* of any kind, are alſo comprehended under the Name of *Commiſſaries*, by way of Diſtinction from the *Chancellours*, who, under the Biſhop, have the Exerciſe of *Ordinary Juriſdiction*.

De Reſcript. c. 2.

Concerning *Commiſſaries*, the Books of Common-Law, in the Reign of K. *James* the firſt, ſay two things, 1. That a Biſhop may conſtitute a Commiſſary in any Archdeaconry. 2. That a Patent granted to a Commiſſary ſhall not be good againſt a Succeſſor, altho' regularly Confirmed: Both which, I doubt, are Aſſertions diſputable, if not clearly falſe.

1 Rolles, 434. Noy, 153.

n **Official.**] This Name, however belonging to *Chancellours* and *Commiſſaries*, as thoſe who hear and determine Cauſes Eccleſiaſtical in the Name of the Biſhop; doth in common ſpeech, denote only the Perſon who exerciſes that Power by Commiſſion from the *Archdeacon*; to whom he ſtands in the like relation, that the Chancellour doth to the Biſhop.

nn **Six and twenty.**] The rule of the Canon-Law was this: *Licèt autem quis poſt decimum ſeptimum annum Procurator ad negotia licitè deputetur: ad judicia tamen, niſi major viginti quinque annis fuerit, deputari nequibit.*

6 Decretal. l. 1. t. 19. c. 5.

o **Learned in the Civil,** &c.] In the ſecond year of K. *Charles* the firſt, Dr. *Sutton*, Chancellour of *Glouceſter*, was ſued before the High-Commiſſioners, for that he, being a *Divine*, and having *never been brought up in the Science of the Civil or Canon-Laws, nor having any Intelligence in them*, took upon him the Office of Chancellour, contrary to the Canons and Conſtitutions of the Church. Whereupon he pray'd a Prohibition in the Common-Pleas, ſuggeſting that he had a Free-hold in the Chancellourſhip, and ought to enjoy the ſame for Life: but the Court would not grant the Prohibition; becauſe it belonged to the Spiritual Courts to examine the *Abilities* of Spiritual Officers; and ſo, tho' a Lay-Perſon gains a Freehold by his Admiſſion to a Benefice, yet he may be ſued in the Spiritual Court, and Deprived for that Cauſe.

But of later days, when Dr. *Jones*, Chancellour of *Landaff*, was libelled againſt for *Ignorance*, Prohibition was pray'd, and alſo obtained, upon this foot of *Freehold*; and when Conſultation was pray'd, as in a Caſe of meer Eccleſiaſtical Cogniſance, and the Prayer was ſupported by the Precedent of Dr. *Sutton*; we are told, that the Court *enclined againſt it*.

4 Mod. Rep. p. 31.

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‡ Inſtitution.] In the Caſe of the Biſhop of *Cloyne* (Reports of Caſes temp. *Annæ*) it was argued, that by a general Grant of a Chancellorſhip, the Power of Inſtitution and Induction, &c, does not paſs without ſpecial words; and ſo many other things which are inherent in a Biſhop. (ordered to be argued again next term.)

—upon pain of Suſpenſion.

ſhall be ſuſpended from the Execution of their Offices, until they ſhall take the ſaid Oaths, and ſubſcribe as aforeſaid.

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OTHO.

In Conſt. *De Officio Advocatorum & Judicum.*

A.D. 1237. 22 *H.* 3. *Otho.* Edit. Oxon. p. 70.

Judges ſhall take Counſel in difficult Cauſes,

—and ſhall take great care of the Acts, and the Copies thereof;

—and how they grant poſſeſſion, or take it away.

—Judices verò Juris ignari, ſi dubium aliquod emerſerit, ex quo poſſit alterutri partium præjudicium grave generari, expenſis utriuſque partis alicujus advocent conſilium *p* Sapientis. Statuimus inſuper, ut, in quantum poterunt, Conſtitutionem *q* generalis Concilii tam in Ordinariis quam in Extraordinariis † Judices obſervantes, Acta Originalia & Authentica fideliter & diligenter penes ſe cuſtodiant, vel per ſcriptores ſuos faciant cuſtodiri, & partibus inde, ut velint & debuerint, copiam *r* faciant exhiberi; quibus omnia poſtquam ſcripta fuerint, Præcipimus ſtatuendo publicari, ut ſi erratum fuerit in ſcribendo, corrigatur, ut veritas poſſit de his quæ acta fuerint liquidè apparare.

† Judiciis. *MS.*

Provideant etiam Judices, ut cùm aliquem decreverint in poſſeſſionem mittendum, *s* ob contumaciam partis adverſæ de reſtituenda poſſeſſione cum fructibus, ſi quos inde receperit, deductis expenſis legitimis, ſi adverſarius infra annum redierit, * ab eo qui mittendus fuerit, congruam recipiant cautionem. Illum quoque, qui Judicialiter poſſeſſionem retinere præſumpſerit violenter, ita quod ob ejus contumaciam alius miſſus fuerit, & poſt annum verus poſſeſſor etiam conſtitutus, Jure, ſi quod habuerit in eadem re, Decernimus omninò fore privatum.

* *MS.* add. Ad mandatum.

Vid. infrà, In Cap. *Regiſters.*

p Sapientis.] *Scil. Aſſeſſoris.* J. de Athon.

q Generalis Concilii.] *Lateran' ſub* Innoc. III.. *Extra. de Probationibus, c.* Quoniam contra falſam.

r Faciant exhiberi.] *Scil. Judices; ſumptibus tamen Partis petentis: nam licèt Originalia ſint communia, hæc Tranſcripta traduntur uni ſoli, vel alii, pro ſpeciali Informatione ſuâ.* J. de Athon.

s Ob contumaciam.] *Scil. cauſa Cuſtodiæ, ſeu rei ſervandæ; quod idem eſt.* J. de Athon.

STEPHANUS.

A.D. 1222. 6 *H.* 3.

Gratis ab Officiali & ejus Vicario fiat diſcordantium reconciliatio; niſi inter ſe juſtè quid poſtulent.

Eccleſiaſtical Judges ſhall take nothing for Arbitration,
—nor puniſh either Party for deſiſting.

Lyndw. Edit. Oxon. p. 72.

CÆterùm diſtrictius duximus inhibendum; ne Archidiaconi, vel eorum Officiales, aut alii judices, pro bono pacis, ſi quando diſcordantes ſe ſibi ad invicem volunt concordare, aliquid exigant: ſed licentiâ petitâ liceat partibus à lite per compoſitionem diſcedere quandocunque voluerint; ſi tamen lis Compoſitionem admittat: nec propter hoc pœnam aliquam eis infligant, niſi eis de injuſtitia actoris vel rei conſtiterit.

OTHO.

A.D. 1237. 22 *H.* 3.

Summarium.

Prælati & Judices neminem à Concordia & Pace propter lucrum litis & contentionis dehortentur, ſed magis cohortentur ad compoſitionem licitam, idque gratis faciant.

No Eccleſiaſtical Judge ſhall hinder the Agreement of Parties,
—nor take any thing for Arbitration.

Otho. Edit. Oxon. p. 55.

CÆterum Duximus diſtrictiùs inhibendum, nè Eccleſiarum Prælati, & maximè Archidiaconi, & Decani, vel Officiales eorum, vel quicunque alii *t* ad Univerſitatem cauſarum, vel aliqua negotia, ratione Juriſdictionis Eccleſiaſticæ vel Officii Spiritualis Eccleſiæ forum contingentia, delegati, quin de diſcordiis & querelis fiat Pax vel Concordia inter partes, præſumant aliquatenus impedire, ſed quandocunque partes voluerint, à Judicio per compoſitionem recedant, dummodo ſit tale negotium ſuper quo tranſigi poſſit de Jure vel componi: nec propter hoc *u* aliquid ab eiſdem exigatur.

t Ad univerſitatem.] *Ut Vicarii Generales.* J. de Athon.

u Aliquid.] *Niſi fortè Judex, cùm eſſet delegatus, expenſas in cauſâ feciſſet, quæ refundi debent.* J. de Athon.

OTHOBON.

A.D 1268. 52 *H.* 3.

Summarium.

Judex, quicunque pro concordia litigantium impedienda quicquam receperit, Excommunicationi ſubjaceat, donec illud reſtituerit, & tantundem pauperibus erogârit.

Eccleſiaſtical Judge hindering the Agreement of Parties,

Othob. Edit. Oxon. p. 124.

CUM partes ſuas amittat Judicium, ubi Actoris & Rei conquieſcit diſſenſio, nec aliud agere Judex debeat juxta legitimas Sanctiones, quàm ut controverſiam dirimat inter ipſos; multùm profectò delinquit, qui partes ad pacem & concordiam paratas, maximè præ-

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prætextu alicujus commodi, nititur impedire. Quia verò per impedimentum hujuſmodi, ſi contingat, provocatur Deus, læditur proximus, Judicis contaminatur honeſtas, & jurgiorum materia confovetur; Nos Statutum Legati prædicti, qui fuit ſuper hoc ſimplici prohibitione contentus, efficaciùs proſequentes, adjiciendo Statuimus, ut ſi quis de cætero pro impedimento paci ſeu compoſitioni litigantium objiciendo quicquam receperit, ei, qui dedit, modis omnibus teneatur reſtituere, necnon de quo tantundem exſolvat, pauperibus erogando. Alioquin, ex eo tempore, quo ſcelus hujuſmodi recipiendo commiſerit, donec ſic (ut dictum eſt) reſtituerit, Excommunicationis vinculo ſe noverit eſſe alligatum.

—contrary to the Conſtitution of *Otho*;
—ſhall reſtore what he received for doing of it, and give as much to the Poor,
—upon pain of Excommunication.

Having obſerv'd ſomewhat under this head, concerning the different Duties belonging to the Stations of Official, and Vicar General, in the exerciſe of Epiſcopal Juriſdiction; I will add a † ſhort Scheme which I drew many years ſince, for the *Separation* of the two Offices.

† Viſitations General and Parochial, p. 107.

Reaſons for Separating the Commiſſions of OFFICIAL PRINCIPAL *and* VICAR GENERAL.

Official and *Vicar General,* two diſtinct Offices.

THE Name of *Chancellor* includes two Offices; which are diſtinguiſh'd in the Commiſſion, by the Titles of *Official Principal*, and *Vicar General.*

The proper Work of an *Official*, is to hear Cauſes between Party and Party, concerning *Wills*, *Legacies*, *Marriages*, and the like; which, not being matters of a Spiritual Nature, fall no otherwiſe under the Cogniſance and Determination of the Church, than by the voluntary Conceſſions of Princes.

The proper Work of a *Vicar General*, is, the Exerciſe and Adminiſtration of Juriſdiction purely Spiritual, by the Authority and under the Direction of the Biſhop; as, *Viſitation*, *Correction of Manners*, *granting Inſtitutions*, and the like; with a general Inſpection of Men and Things, in order to the preſerving of *Diſcipline* and *good Government* in the Church.

The great Difference that it makes in the State of the Church and Religion, whether theſe Things are adminiſtered duely or unduely; and the frequent *Neceſſity* upon Biſhops to adminiſter them by other Hands than their own, on account of Age, Infirmities, or Attendances in Parliament; do jointly ſhow, of how great *Importance* it is, that this Power be lodged, at all times, in *diligent*, *faithful* and *conſcientious* Hands.

The Place of *Vicar General,* beſt granted *during Pleaſure* only.

And ſince Biſhops may be, many ways, deceived in their Choice, and Perſons of whom they had reaſon to hope well, may, in proceſs of Time, prove negligent, or untractable, or may be diverted from that Care by ſubſequent Obligations to attend other Affairs; therefore the ſame Conſiderations which infer a Neceſſity of Deliberation in the firſt Choice, conclude as ſtrongly for keeping a Remedy in their own Hands, in Caſe they find themſelves diſappointed.

This may be effectually done, by ſeparating the two Commiſſions of Official and Vicar General (which are, in Nature, and Original, two diſtinct Offices) and by making the Commiſſion of Vicar General *revocable at pleaſure.*

And that it may alſo be *legally* done this way, appears from the * Canon-Law both at Home and Abroad; which doth not only conſider theſe two Offices as diſtinct, but (to keep them diſtinct) lays it down as a certain Rule, that no part of the Authority of Vicar General is conveyed by the Commiſſion of Official, but what the Biſhop, of his own accord, and by his own Choice, ſhall inſert in it. And therefore if he will inſert *no Part*, it follows, That after the Grant of the Officialty, he has the whole Power and Buſineſs of the Vicar General remaining in him; to be exerciſed by himſelf, or delegated by Commiſſion, to ſuch Perſon, and in ſuch Manner and Degree, as he ſhall ſee cauſe.

* Vid. Introduct. Diſc.

'Tis true, the Canons refer'd to in the laſt Clauſe, ſuppoſe that both Offices *might* be granted by the *ſame* Commiſſion (as, in Fact, they have been ordinarily granted, even before the Reformation;) but it is alſo true, That then *both* Offices were ſo granted as to be *revocable at Pleaſure*; which kept the Remedy we are contending for, with regard to the Office of Vicar General, entirely in the Hands of the Biſhop: And, accordingly, we find on our Books frequent Appointments of Vicars General, ſeparately, upon *occaſional* Abſences of the Archbiſhops and Biſhops.

The Civilians may alſo remember, That the granting the *Officialty* itſelf † otherwiſe than during Pleaſure, is a meer *Act of Grace*, in the Biſhop as granting for his own Life, and in the Dean and Chapter as confirming it for the Succeſſors; and that, if Biſhops, and Deans and Chapters, indulge them to the utmoſt Extent of the Law, and give the Reins out of their Hands, in an Adminiſtration which only concerns *Temporal* Rights, there is no Reaſon for the like Indulgence in an Adminiſtration *merely Spiritual*, which immediately concerns the Epiſcopal Office as ſuch, and on the due Exerciſe of which, the good of Religion, and the regular Government of the Church, do ſo much depend.

† Vid. Introduct. Diſc.

The Commiſſions of *Officials* and *Vicars General* jointly granted, *during Pleaſure*, till Patents were introduced.

It is greatly to be wiſhed, That when the Biſhops, in Queen *Elizabeth*'s Time, were prevailed with (in Favour to their Officers) to grant their Commiſſions by way of Letters Patents, thereby to create a *Freehold*; the different Natures of the two Offices, and the near Relation which one bears to the Church and Religion beyond the other, had been well conſider'd: Becauſe, if it had, we can hardly ſuppoſe, That the Biſhops would have deliberately introduced an Uſage, whereby their own and their Succeſſors Hands were to be ſo far tied up, in the Adminiſtration of the Epiſcopal Office. But if there is a real Difference in the Nature and Importance of theſe two Offices, and if the granting that of Vicar General by way of Patent for Life, is attended with great Inconvenience both to the Biſhops and the Church; it follows not, That becauſe it was forgotten then, it muſt be forgotten and laid aſide for ever; eſpecially, ſince it is as much in the † Power of the Biſhops, now, to hinder the *Progreſs* of it, as it was in the Power of their Predeceſſors to have prevented the *Beginning*.

† Vid. Introd. Diſc.

The Power of Vicar General beſt lodged in the Hands of a *Clergyman*, reſident in the Dioceſe.

Whether the Commiſſions (when thus ſeparated) are granted to the *ſame* or to *different* Perſons, may ſeem (at firſt Sight) leſs material; ſince the Biſhop hath that Part which concerns the Adminiſtration of the Epiſcopal Office, wholly in his own Power, and if he like not the preſent Hand, may remove it to another, at Pleaſure. But yet it is evidently *deſirable* on many Accounts (whatever ſhall become of the Place of *Official)* that the Office of Vicar General were always veſted in the Hands of ſome grave and prudent *Clergyman*, beneficed in the Dioceſe, and uſually reſident in it. By which Means, the natural Decency and Propriety of adminiſtering Spiritual Matters by Spiritual Hands, would be provided for: And we may, generally ſpeaking, ſuppoſe a greater Degree of *Concern* for Order and Diſcipline, in Clergymen, than in others: And it would be alſo in the Power of the Biſhop to encourage and ſupport their Zeal in the Proſecution of Vice, by collateral Advantages in the Church, as they ſhould ſee cauſe. At leaſt, a Clergyman may be preſumed, in all reſpects, a greater Relief in the Epiſcopal Care to an Aged, Infirm, or abſent Biſhop, than a Layman; eſpecially, than a Layman dwelling *out* of the Dioceſe (which, as Things now ſtand, is frequently the Caſe,) and who therefore, in reality gives no Aſſiſtance to a Biſhop under thoſe Exigencies for which the Office of Vicar General was inſtituted, nor anſwers any part of that Office, beſides the Formality of holding a Viſitation, and the receiving of Fees.

And, That I may not ſeem partial to the Clergy; I make no ſcruple to declare, That if it ſhall be thought equitable to debar Civilians from intermedling in the *Government and Diſcipline of the Church*, i. e. from being Vicars General; there will be (in my humble Opinion) the like Equity in debarring Clergymen from intermedling in Cauſes which only concern *Temporal Property*, i. e. from being *Officials*.

Diviſion of *Profits* to the two Offices.

Suppoſing then, theſe two Offices to be in Fact divided, the Diviſion of *Profits* and *Endowments* for the Support of each will follow of courſe, as ariſing immediately from the Buſineſs which reſpectively belongs to each. The Official, whoſe Duty it is to decide Cauſes Matrimonial, Cauſes Teſtamentary, and the like, is fairly entitled to the Profits of Matrimonial Licences, and of Wills and Adminiſtrations; which are a plentiful Support, and may be enlarged, if the Biſhop pleaſes, by the Right of Licenſing Phyſicians, Surgeons, and Midwives, and diſpatching whatever Buſineſs ſhall appear to be of a *Temporal* Nature: While the Vicar General (whom we ſuppoſe a Clergyman *Beneficed*, if not *Dignified* alſo,) may content himſelf with the much ſmaller Profits, ariſing from Viſitations, Inſtitutions, and other Acts of Juriſdiction meerly Epiſcopal, and performed either by the Biſhop in Perſon, or (in his Abſence, and under his Direction) by his Vicar General.

All that hath been hitherto ſaid of the Office of Chancellor, holds equally as to the Office of *Commiſſary*, (who is ſtiled in the Canon-Law *Officialis Foraneus*, and, as ſuch, hath no Authority but *Judicial*, in like Manner as the Official Principal hath, unleſs more ſhall be voluntarily added by the Biſhop;) and of *Officials* to ſuch Archdeacons, who have a *concurrent* Juriſdiction with their Biſhop.

Upon the whole: If the *Officialty* and *Vicar Generalſhip*, are two Offices, in Nature and Buſineſs entirely diſtinct; If, when the Uſage was introduced, of adding the Buſineſs of Vicar General to that of Official, in the ſame Commiſſion, the *whole* was ſo granted, as to be revocable at the Pleaſure of the Biſhop; If the granting the Powers of Vicar General otherwiſe than at Pleaſure, may be attended with many Inconveniencies, to the Church and Religion; If it is wholly in the Power of the Biſhops to remedy this Evil, by *not adding* Powers to the Commiſſion of Official, which do not belong to it, and which they are not obliged to add; If, laſtly, It is a ſelf-evident Truth, That very great Advantages would accrue to a Biſhop and his Dioceſe (eſpecially, in Caſe of Age, Infirmity, or unavoidable Abſence) by having for his *Vicar General*, ſome grave and learned Clergyman, always Reſident within the Dioceſe:

Under theſe Views, it is humbly Enquired, Why the two Commiſſions ought not to be ſeparated, and that of Vicar General ſo granted as aboveſaid, and at Pleaſure? And, Whether (in order to the adjuſting and eſtabliſhing *one uniform Method* of granting Commiſſions in that way) this Matter may not be worthy the Conſideration of the Biſhops and Clergy, when aſſembled in the enſuing Convocation.

CAP. III.

JUDGES-DELEGATE, *and* SURROGATES.

OTHOBON.

A.D. 1268.
52 *H.* 3.

Summarium.

Cauſæ nullatenus delegentur, nec committantur ab Archiepiſcopis, Epiſcopis, vel aliis Ordinariis, niſi perſonis in Dignitate, vel Officio conſtitutis, aut Cathedralium, vel aliarum Collegiatarum Eccleſiarum Canonicis.

Becauſe every Judgment receives Force and Credit, from the Authority of the Judge, — none ſhall be conſtituted Judges

Judges-Delegate, and Surrogates.

Othob. Edit. Oxon. p. 122.
OBS.

JUdicii robur & decus exornat auctoritas judicantis, & coram illo tutis greſſibus Veritas incedere præſumitur, de quo ſtatus eminentior, & meliora ſtipendia, ſtrenuos actus & dignos fructus Juſtitiæ repromittunt.

Proinde Sacris [w] Canonibus inhærentes, quibus ſtatutum eſt, ut non niſi perſonis in majori ſtatu conſtitutis Cauſæ à Sede Apoſtolicâ delegentur, eâdem Juris auctoritate

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[w] Canonibus.] *Sext. Dcretal. de Reſcript. c. Statutum.* J. de Athon.

Judges-Delegate, and Surrogates.

† Commoniti. MS.

† commoti Statuimus, ut ab Archiepiſcopis, Epiſcopis, vel allis Ordinariis, non niſi perſonis in Dignitate vel Officio conſtitutis, aut Cathedralium, vel aliarum Eccleſiarum Collegiatarum Canonicis, Cauſæ aliquatenus *x* committantur.

Delegates, but Dignitaries, or Canons.

x Committantur.] *Sed quicquid hîc ſtatuatur; hæc tamen Conſtitutio à Subditis non eſt acceptata; unde non videtur arctare: maximè, cùm de Jure communi quilibet hujuſmodi Ordinarius, in Cauſarum Cognitionibus, committere valeat vices ſuas.* J. de Athon.

1 Jac. 1.

CANONS 1603.

cxxviii. *The Quality of Surrogates.*

NO Chancellor, Commiſſary, Archdeacon, Official, or any other Perſon uſing Eccleſiaſtical Juriſdiction, ſhall at any time ſubſtitute in their abſence any to keep any Court for them, except he be either a grave Miniſter and a *y* Graduate, or a licenſed Publick Preacher, and a Beneficed Man near the Place where the Courts are kept, or a Batchelor of Law, or a Maſter of Arts at leaſt, who hath ſome Skill in the Civil and Eccleſiaſtical Law, and is a favourer of true Religion, and a Man of modeſt and honeſt Converſation; under Pain of Suſpenſion, for every time that they offend therein, from the Execution of their Offices for the ſpace of three months *toties quoties:* And he likewiſe that is Deputed, being not Qualified as is before expreſſed, and yet ſhall Preſume to be a Subſtitute to any Judge, and ſhall keep any Court as is aforeſaid, ſhall undergo the ſame Cenſure, in manner and form as is before expreſſed.

Surrogate ſhall be,
— either a grave Miniſter and Graduate,
— or a Licenſed Preacher, and Beneficed,
— or a Batchelor of Law, or Maſter of Arts;
— upon pain, that the Judge and Surrogate, ſhall be Suſpended.

y Graduate.] *Anno* 1432. in the Acts of Convocation, we find the following Entry, *Quia ex parte Cleri conqueſtum fuerat tunc ibidem, quòd nonnullæ diverſæ perſonæ* minimè Graduatæ, *ſed valdè exiliter literatæ, fuerunt & ſunt Commiſſarii Generales, & Officiales, ac Officium Judicum exercentes, in diverſis locis Provinciæ Cant. ex quo (ut dicebatur) Scandalum in Eccleſiâ non modicum oriebatur: Super quo Prælati & Clerus, habitâ Communicatione & Deliberatione, ordinârunt auctoritate Concilii Provincialis prædict', quòd de cætero nulla perſona Eccleſiaſtica exerceret vel occuparet aliquam Juriſdictionem Eccleſiaſticam, infra Provinciam Cant. niſi eſſet* Graduata. And in the Journals both of *Edw.* VI. and Qu. *Elizabeth*, we find a Bill depending in Parliament, *That Adminiſtration of Laws may be made by* Graduates *in the Univerſity.*

Journ. Proc.
3 *E.*6. *Dec.* 5.
5 *Eliz. Mar.* 30.

CAP. IV.

Of ADVOCATES.

A.D. 1222.
6 *H.* 3.

STEPHANUS.

Clerici Beneficiati, aut in Sacris conſtituti, non ſint — Judices in cauſis ſanguinis, nec Scriptores aut Dictatores literarum ad pœnam ſanguinis ſpectantium.

Of Advocates.

Lyndw. Edit. Oxon. p. 269.

PPæſenti Decreto Statuimus, nè Clerici —— Juriſdictiones exerceant Sæculares, præſertim illas, quibus Judicium ſanguinis eſt annexum. His quoque duximus adjungendum nè ſcilicet Judicium Sanguinis in locis Sacris tractetur, in Eccleſiâ videlicet vel Cœmeterio. Auctoritate quoque Concilii diſtrictius Inhibemus, nè quis Clericus Beneficiatus, vel in Sacris Ordinibus conſtitutus, literas pro pœnâ ſanguinis infligendâ, ſcribere vel dictare præſumat, vel ubi Judicium ſanguinis tractatur vel exercetur, interſit. Noverint enim hujuſmodi, ſe Eccleſiaſticâ Protectione indignos, cùm per eos in Eccleſiâ Dei per talia præſumpta ſcandalum generetur.

No Clergyman ſhall exerciſe Secular Juriſdiction,
— eſpecially in Caſes of Blood.

A.D. 1237.
22 *H.* 3.

OTHO.

Summarium.

Quicunque in Advocati Officium voluerit generaliter promoveri, præſtet Diœceſano ſuo de fidelitate Juramentum, præcipuè in Cauſis Matrimonialibus: in nullis autem ſine Juramento coram Eccleſiaſtico Judice ultra tres terminos admittatur, niſi pro Eccleſia, Domino, Amico, aut in Cauſa Pia. Caveant autem, nè falſos teſtes ſubornent, alioquin ab Officio ſint ipſo facto ſuſpenſi, donec ſuper hoc puniti competenter ſatisfecerint. Judices verò imperitiores expenſis partium advocent in dubiis conſilium Sapientis, & quantum poſſunt, Conſtitutionem generalis Concilii obſervantes, Acta omnia cuſtodiant, eorum copiam partibus facturi. In contumacis autem locum mittendus, cautionem det de reſtituendo, ſi ille infra annum redierit, & reverſo vero poſſeſſori cedat.

Otho. Edit. Oxon. p. 70.

CLamorem juſtitiæ audivimus, conquerentis, quod eam nimis impediunt per cavillationes & verſutias Advocati, vel necant plerumque eam per ignorantiam Judices im-

Abuſes, through the Craft of Advocates, and Ignorance of Judges.

periti, & illudunt ei ſæpe per contumaciam partes. Nam contingit aliquando, quòd miſſus in Poſſeſſionem cauſâ rei ſervandæ, ipſam retinere contendit, licèt adverſarius redeat infra annum, & Juri per omnia fatisfacere ſit paratus. Aliquando verò, qui in Poſſeſſionem miſſus fuerit, nec infra annum, nec poſt, quandocunque verus conſtituatur Poſſeſſor, valet illam Poſſeſſionem, reſiſtente cum armis adverſario, adipiſci.

Every Advocate ſhall take an Oath, to be faithful to his Client,

In adjutorium itaque Juſtitiæ aſſurgentes, hujus Sacri approbatione Concilii Statuimus, ut qui ad Advocati Officium voluerit generaliter promoveri, apud Diœceſanum, cujus origine vel domicilio Juriſdictionis extiterit, præbeat Juramentum, quòd in Cauſis quarum Patronus extiterit, patrocinium fidele præſtabit, non ad auferendam vel differendam alterius partis juſtitiam, ſed cauſam ſeu partem clientuli ſui Legibus defendendo & rationibus intendendo. In cauſis quoque Matrimonialibus [z] non admittatur & Electionibus, niſi Juramentum ſimile velit præſtare ſingulariter in eiſdem; ſed nec in aliis Cauſis coram Eccleſiaſtico Judice ultra tres terminos abſque Juramento admittatur, [a] niſi pro Eccleſia ſua, Domino, vel Amico notorio, ſeu paupere, vel extraneo, vel perſona miſerabili, duxerit forſan poſtulandum. Caveant autem omnes Advocati, nè per ſe vel per alios teſtes ſubornent, vel partes inſtruant, aut falſum proponere, vel ſupprimere veritatem. Qui verò contra fecerint, ipſo facto ab Officio ſint ſuſpenſi, quouſque ſuper hæc ſatisfecerint competenter, & aliàs nihilominus, ſi de his convicti fuerint, pœnâ debitâ puniantur.

—and ſhall not be guilty of indirect Practices, —upon pain of Suſpenſion.

[x] Non admittatur.] *Scil. ad poſtulandum.* J. de Athon.

[a] Niſi.] *Ratio eſt, in Caſibus hîc exceptis: nam ex quo inde non perceperit Lucrum, lex non præſumit, eum hujuſmodi Officio abuſurum.* J. de Athon.

OTHOBON.

A.D.1286. 52 *H.* 3.

Summarium.

Juxta Statutum Othonis *de Advocatis, nullus Advocatus, niſi Literas Diœceſani, coram quo jurare præcipitur, prius oſtendat, fidem de Juramento debitè exhibito facientes, vel de novo Juramentum exhibeat, ad ullius Cauſæ patrocinium admittatur.*

To prevent the Abuſes of Advocates, —an Oath was enjoyned by *Otho* the *Legate*,

Othob. Edit. Oxon. p. 123.

LAudabile vitæque hominum neceſſarium Advocatorum Officium, qui quaſi Athletæ Juſtitiæ in campo Judicii militant, multum quidem exauctorizatur ab illis, qui in ipſo infideliter ſe exercent; per quos Juſtitia deperit, & litium proceſſus innumeris ſubterfugiis impeditur. Hoc ſanè prædictus Legatus conſiderans diligenter, & prudenter attendens, inter alias Sanctas Conſtitutiones Decrevit, ut quiſquis Advocati Officium voluerit generaliter mereri, is apud Diœceſanum, cujus Juriſdictionis exiſtit, originis vel domicilii ratione, præbeat Juramentum, *Quòd in Cauſis, quarum Patronus exiſtet, Patrocinium fidele præſtabit.*

—a Certificate whereof ſhall be exhibited, or the Oath new taken, before they ſhall be admitted to be Advocates in any Cauſe.

Nos igitur hujuſmodi Statuto, per quod iniquitati occurritur, relevatur Juſtitia, & ſuccurritur veritati, parare volentes ſemitam ampliorem, adjiciendo Statuimus, ut ſecundùm ea, quæ in dicto Statuto contenta ſunt, nullus Advocatus, niſi literas Diœceſani, coram quo jurare præcipitur, prius oſtendat, fidem de Juramento hujuſmodi exhibito facientes, vel de novo exhibeat hujuſmodi Juramentum, ad ullius Cauſæ patrocinium admittatur.

OTHOBON.

A.D.1268. 52 *H.* 3.

Summarium.

Clerici qui in cauſis Sæcularibus, præcipue ſanguinis, fuerint Advocati actorum aut Judices, aut Aſſeſſores, ſint ipſo facto ab Officio ſuſpenſi, nec abſolvantur à Diœceſanis, donec competenter ſatisfecerint: reorum autem in talibus defenſores ad arbitrium Diœceſani puniantur.

No Clergyman ſhall be an Advocate, in a caſe of Blood, *&c.* — upon pain of Suſpenſion;

Othob. Edit. Oxon. p. 91.

JUxta Sacrorum [b] Canonum cenſuram, præſenti Conſtitutione diſtrictiùs Inhibemus, ne qui in Clericali Militia Conſtituti, Advocationis Officium in Foro Sæculari pro cauſa ſanguinis, vel aliâ quâcunque, niſi in caſibus [c] à Jure conceſſis, exercere præſumant.

—nor Judge or Aſſeſſor, —upon the like pain, and further puniſhment at the diſcretion of his Superior.

Si quis autem contrafecerit, ſiquidem in cauſa ſanguinis, ſi pro actoris parte certaverit, ipſo facto ab Officio ſit ſuſpenſus: in aliis verò per Diœceſanos exceſſum hujuſmodi compeſci Præcipimus & puniri, pœnæ condignæ qualitatem ipſorum arbitrio reſervantes. In eiſdem quoque ſanguinis cauſis, in quibus mortis aut mutilationis membrorum Judicium agitur, ſimiliter Inhibemus, nè quis in Clero Conſtitutus, Judex aut Aſſeſſor eſſe præſumat. Quiſquis verò contrafecerit, præter Suſpenſionis ab Officio pœnam, quam ipſo facto incurrat, aliàs juxta ſui Superioris arbitrium puniatur; à quibus Suſpenſionum ſententiis per ſuos Diœceſanos nullatenus abſolvatur, niſi prius ſatisfecerit competenter.

[b] Canonum.] *De quibus legitur & notatur* 88 *Diſt. per totum — Extra.* Ne Cle. vel Mo. & 15 *q.* 2. in ſumma. J. de Athon.

[c] A jure conceſſis.] *De quibus legitur in Conſt.* Othonis, *c.* Clamorem. *Item pro Cauſâ* Fidei. *Sext. Decretal. De hæreticis,* ut Officium, §. Ad Conſcribendas. J. de Athon.

Of Advocates.

A.D. 1281.
9 *Edw.* 1.

JOHANNES PECCHAM.

Nemo ſit Advocatus, priuſquam Jura per triennium audiverit.

Lyndw. Edit. Oxon. p. 75.

None ſhall be Advocate, till he hath heard Canon and Civil Law, three years at leaſt.

VEloces ad audiendum, & *infrà.* Nullus de cætero permittatur Advocationis Officium publicè exercere, niſi priùs ad minus *d* per triennium audiverit Jus Canonicum & Civile cum debita diligentia. Hujus autem rei fidem, ubi nec de condigno apparet teſtimonio, nec per facti evidentiam, proprio faciat juramento.

d Per triennium.] *De Jure Civili, limitatur* quinquennium: *nec video, quid moveret ſtatuentem ad limitationem minoris temporis, niſi intelligas hoc, ut ſcil. Aliquis Advocet in Curiis pedaneis & inferioribus, ubi non tractantur Cauſæ graves, ſed modici ponderis: In talibus namque ſufficere videtur, quod aliquis ſit exercitatus in Cauſis, & habeat Practicam cum Speculativâ, per* triennium. *In Curiis tamen majoribus, & in quibus tractantur arduæ Cauſæ, opus eſt in Advocatis majori Scientiâ.* Lyndw.

1 Jac. 1.

CANONS 1603.

xcvi. *Inhibitions not to be granted without the Subſcription of an Advocate.*

Every Inhibition ſhall be ſigned by an *Advocate,*

— (whether it be granted out of the Court of Archbiſhop or Biſhop,)

THAT the Juriſdictions of Biſhops may be preſerved (as near as may be) entire and free from prejudice, and that for the behoof of the Subjects of this Land, better proviſion be made, that henceforward they be not grieved with frivolous and wrongful Suits and Moleſtations: It is ordained and provided, that no Inhibition ſhall be granted out of any Court belonging to the Archbiſhop of *Canterbury,* at the inſtance of any Party, unleſs it be ſubſcribed by an Advocate practiſing in the ſaid Court; which the ſaid Advocate ſhall do freely, not taking any Fee for the ſame, except the Party proſecuting the Suit, do voluntarily beſtow ſome Gratuity upon him for his Counſel and Advice in the ſaid Cauſe. The like Courſe ſhall be uſed in granting forth any Inhibition at the inſtance of any Party by the Biſhop or his Chancellor againſt the Archdeacon, or any other perſon exerciſing Eccleſiaſtical Juriſdiction: And if in the Court or Conſiſtory of any Biſhop, there be no Advocate at all, then ſhall the Subſcription of a Proctor practiſing in the ſame Court, be held ſufficient.

— or by a Proctor, if there be no Advocate.

CAP. V.

Of PROCTORS *and* PROXIES.

A.D. 1237.
22 *H.* 3.

OTHO.

Summarium.

Procurator, nè qua dilatio aut fraus per eum fiat, conſtituatur deinceps ſimpliciter, non in unum diem, ſed in quot opus fuerit. Idque per ſcripturam Authenticam (niſi ſigillum Authenticum nequiverit facilè inveniri) probetur mandatum.

Otho, Edit. Oxon. p. 61.

It being a great abuſe of the Office of a Proctor,

USUM Procuratorum in obſequium Juſtitiæ introductum, ut qui Cauſæ ſuæ intendere non poteſt, ejus abſentia per alium relevetur, convertit antiqui hoſtis verſutia frequenter in abuſum.

— that they are Conſtituted but for one day, and with Powers invalid,

Ex Conſuetudine namque (ut dicitur) hîc habetur, ut citatus ad diem certum, Procuratorem tantum conſtituat ad eundem, abſque literis, vel per Literas Sigillo Authentico non ſignatas: unde fit, quòd cum talis Procurator † vult probare mandatum, vel fidem literis imponere, non vult per teſtes, aut aliud impedimentum tamen occurrat, nihil agitur illâ die, ſed nec, expirante Officio Procuratoris, in ſequenti, ſicque * illâ die perit juſtitia ſine fructu..

† Vel Probare Mandatum, vel fidem Literis imponere vult, poteſt per teſtes, aut aliud impedimentum occurit. *MS.*
* Perit illa inſtantia ſine fructu. *MS.*

— they ſhall from henceforth be Conſtituted *Simply,*

— and in an authentick manner.

Huic igitur fallaciæ cautelæ clypeum opponere cupientes, Statuimus, ut de cætero in Cauſis Eccleſiaſticis Regni *Angliæ,* Procurator ſpecialis conſtituatur *e* ſimpliciter, vel ſi conſtituatur ad diem, non ad unum tantum, ſed ad plures *f* continuandos, ſi opus fuerit, conſtitui Volumus & Intelligimus Conſtitutum. Mandatum etiam *ff* per ſcripturam probetur Authenticam, niſi apud Acta fuerit Conſtitutus, aut ſignum Authenticum de facili *g* nequiverit Conſtituens invenire.

e Simpliciter.] *i.e. Purè, ſine conditione, vel diei adjectione.* J. de Athon.

f Continuandos.] *Per Judicem in causâ cognoſcentem.* J. de Athon.

ff Per Scripturam.] *Et inſtrumentum publicum—vel per Scripturam authentico Sigillo ſignatam.* J. de Athon.

g Nequiverit.] *Tunc enim, cùm Sigillum Authenticum haberi non poſſit, ſufficit proprium ipſius conſtituentis.* J. de Athon.

A.D. 1281.
9 *Edw.* 1.

JOHANNES PECHHAM.

Nullus Officialis, aut minor Epiſcopo, Epiſcopi ſigillum apponat Procuratorio, aut triennio ſuſpendatur tranſgreſſus, & falſum procurans, ad Beneficia inhabilis quoque cenſeatur; & ſi jam inhabilis, excommunicetur; irritis omnibus per ipſum actis, & damno partibus repenſo.

No Eccleſiaſtical Judge ſhall ſet his Seal to a Proxy, but in Court, or in preſence of the Perſons Conſtituting, upon pain of Suſpenſion;

—nor ſhall any Advocate form a falſe Proxy, upon great Penalties, and incapacities,

—beſides Reſtitution to the injured.

Lyndw. Edit. Oxon. p. 76.

EXhorrenda, & *infrà.* Statuimus, ut nullus *h* Decanus, ſeu Archidiaconus, vel ejus Officialis, vel Officialis Epiſcopi, Sigillum ſuum alicui Procuratorio apponat, niſi hoc ab eo petatur publicè in judicio, vel extra judicium, ubi is qui Procuratorem conſtituit, & quem conſtet eſſe *i* verum Dominum, præſens corporaliter hoc requirat, ut fraus quælibet excludatur. Quicunque verò Decanus, Archidiaconus, vel ejus Officialis, ſeu etiam Officialis Epiſcopi, ex certa malitia contrarium fecerit, per triennium ipſo facto ab Officio & Beneficio ſit ſuſpenſus. Quicunque etiam Advocatus fictum vel falſum Procuratorium fieri procuraverit, ſuſpenſus ſit per triennium ab officio advocandi, & inhabilis ſit ad Beneficium Eccleſiaſticum obtinendum. Quòd ſi ſit *k* Uxoratus, aut Bigamus, Excommunicationi ſubjaceat ipſo facto. Et id quod per talem fictum vel falſum Procuratorem actum fuerit vel procuratum, modis omnibus pro infecto penitus reputetur. Procurator autem ipſe totius falſitatis intentator ab omni *l* actu legitimo perpetuò repellatur. Et hi omnes nihilominus, ſi ſuper hoc convinci valeant, Parti læſæ ad intereſſe, & reſtituendą damna omnia, teneantur.

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h Decanus.] *Sive Eccleſiæ Cathedralis, ſive Collegiatæ; vel aliàs, ſi ſit Decanus Ruralis: Nam & omnes hi Sigilla authentica habere debent.* Lyndw.

i Verum Dominum.] *Scil. Cauſæ in quâ conſtituitur Procurator.* Lyndw.

k Uxoratus, *&c.*] *Quo caſu, non poteſt habere Beneficium Eccleſiaſticum: Et ſic pœna* Inhabilitationis *in eo locum habere non poteſt.* Lyndw.

l Actu legitimo.] *Sunt Actus Legitimi, Emptio, Venditio, Locatio, Conductio, Societas, Mutuum, Depoſitum; & alii quamplures, ſine quibus vix poteſt conſiſtere vita hominis.* Lyndw.

A.D. 1562.

5 Eliz. Cap. 14.

In an Act, Entituled, *An Act againſt Forgers of falſe Deeds and Writings.*

Statute againſt Forgeries, ſhall not extend to Eccleſiaſtical Officers,

—for following the uſual courſe in diſpatching of Proxies.

§. XII. —— **Provided always, That this Act or any thing therein contained, ſhall not extend or be hurtful in any wiſe to any Proctor, Advocate, or Regiſter of any Eccleſiaſtical Court within this Realm, for the writing, ſetting forth, or pleading of any Proxy made according to the Eccleſiaſtical Laws and Cuſtoms heretofore uſed and allowed by the Eccleſiaſtical Courts of this Realm, for the appearance of any perſon or perſons, being cited to appear in any of the ſaid Courts Eccleſiaſtical, nor to any Archdeacon, or Official, for putting their Authentick Seal to the ſaid Proxies or Proxy, neither yet to any Judge Eccleſiaſtical for admitting of the ſame: But that they and every of them, may hereafter do in all points concerning the ſame, as they and every of them might lawfully have done before the making of this Act; any thing in this Act to the contrary in any wiſe notwithſtanding.**

1 Jac. 1.

CANONS 1603.

cxxix. *Proctors not to retain Cauſes without the lawful Aſſignment of the Parties.*

None ſhall Procure, unleſs retained by the Party, or warranted by a ſufficient Proxy,

—which ſhall be exhibited, and kept by the Regiſter,

—and the Regiſter, or Proctor, offending, ſhall be Suſpended.

NONE ſhall Procure in any Cauſe whatſoever, unleſs he be thereunto conſtituted and appointed by the Party himſelf, either before the Judge, and by Act in Court, or unleſs in the beginning of the Suit, he be, by a true and ſufficient Proxy, thereunto warranted and enabled. We call that Proxy ſufficient, which is ſtrengthened and confirmed by ſome Authentical Seal; the Party's Approbation, or at leaſt his Ratification, therewithal concurring. All which Proxies ſhall be forthwith by the ſaid Proctors exhibited into the Court, and be ſafely kept and preſerved by the Regiſter in the publick Regiſtry of the ſaid Court. And if any Regiſter or Proctor ſhall offend herein, he ſhall be ſecluded from the exerciſe of his Office for the ſpace of two months, without hope of releaſe or reſtoring.

cxxx. *Proctors not to retain Cauſes without the Counſel of an Advocate.*

To prevent the Miſchiefs of Proctors acting without

FOR leſſening and abridging the multitude of Suits and Contentions, as alſo for preventing the complaints of Suiters in Courts Eccleſiaſtical, who many times are overthrown

thrown by the overſight and negligence, or by the ignorance and inſufficiency of Proctors, and likewiſe for the furtherance and increaſe of Learning, and the advancement of Civil and Canon Law, following the laudable Cuſtoms heretofore obſerved in the Courts pertaining to the Archbiſhop of *Canterbury*, We will and ordain, That no Proctor exercising in any of them, ſhall entertain any Cauſe whatſoever, and keep and retain the ſame for two Court days, without the Counſel and *m* Advice of an Advocate; upon pain of a years Suſpenſion from his Practice: Neither ſhall the Judge have Power to releaſe or mitigate the ſaid Penalty, without expreſs Mandate and Authority from the Archbiſhop aforeſaid.

the Counſel of Advocates, in the Archbiſhops Courts,

— No Proctor ſhall keep a Cauſe two Court-days, without the advice of an Advocate upon pain of Suſpenſion.

3 Mod. Rep. 332. Show. 217, 251, 261. 3 Lev. 309. Carth. 169.

m Advice of an Advocate.] *Ann.* 2 *Will.* & *Mar.* a Proctor of Doctors Commons, who had done Buſineſs without the *Advice of an Advocate*, contrary to the Canon, and refuſed to pay a Tax of 10 *s.* impoſed upon him by Order of the Court towards the Charges of the Houſe, and was ſuſpended from his Office; pray'd a *Mandamus* in the Court of King's Bench to be reſtored: but it was deny'd, and ſaid by the Court, *That Officers are incident to all Courts, and muſt partake of the Nature of thoſe ſeveral and reſpective Courts in which they attend; and the* Judges, *or thoſe who have the ſupreme Authority in ſuch Courts, are the proper Perſons to cenſure the Behaviour of their own Officers; and if they ſhould be miſtaken, the King's Bench cannot relieve: For in all caſes, where ſuch Judges keep within their Bounds, no other Court can correct their Errors in Proceedings.* —— And, *If any wrong be done in this caſe, the Party muſt* appeal.

1 Jac. 1.

CANONS 1603.

cxxxi. *Proctors not to conclude in any Cauſe without the Knowledge of an Advocate.*

NO Judge in any of the ſaid Courts of the Archbiſhop, ſhall admit any Libel, or any other matter, without the Advice of an Advocate admitted to Practice in the ſame Court, or without his Subſcription: Neither ſhall any Proctor conclude any Cauſe depending, without the knowledge of the Advocate retained and fee'd in the cauſe: Which if any Proctor ſhall do, or procure to be done, or ſhall by any colour whatſoever defraud the Advocate of his Duty or Fee, or ſhall be negligent in repairing to the Advocate, and requiring his Advice what courſe is to be taken in the Cauſe, he ſhall be Suſpended from all Practice for the ſpace of ſix months, without hope of being thereunto reſtored before the ſaid term be fully compleat.

No Libel, &c. ſhall be admitted in the Archbiſhops Courts, without an Advocate,

— nor any Cauſe concluded by a Proctor,

— upon pain of Suſpenſion of the Proctor.

1 Jac. 1.

CANONS 1603.

cxxxiii. *Proctors not to be clamorous in Court.*

FOraſmuch as it is found by experience, that the loud and confuſed Cries and Clamours of Proctors in the Courts of the Archbiſhop, are not only troubleſome and offenſive to the Judges and Advocates, but alſo give occaſion to the Standers by, of contempt and calumny towards the Court it ſelf: That more reſpect may be had to the Dignity of the Judge, than heretofore; and that Cauſes may more eaſily and commodiouſly be handled and diſpatched; We charge and enjoyn, That all Proctors in the ſaid Courts do eſpecially intend, That the Acts be faithfully entred and ſet down by the Regiſter, according to the advice and direction of the Advocate: That the ſaid Proctors refrain loud ſpeech and brabling, and behave themſelves quietly and modeſtly, and, That when either the Judges or Advocates, or any of them, ſhall happen to ſpeak, they preſently be ſilent; upon pain of ſilencing for two whole Terms then immediately following every ſuch offence of theirs. And if any of them ſhall the ſecond time offend herein, and after due monition ſhall not reform himſelf; let him be for ever removed from his Practice.

For the more Orderly behaviour of Proctors, in the Archbiſhops Courts,

— they ſhall ſee, that all things be duly Regiſtred,

— and ſhall behave themſelves quietly,

— and be ſilent, when the Judge or Advocate ſpeaks;

— upon pain of being ſilenced; and, for the ſecond offence, removed.

CAP. VI.

Of REGISTERS.

CANONS 1603.

1 Jac. 1.

cxxiii. *No Act to be ſped but in open Court.*

No Judge ſhall ſpeed any Judicial Act, without *Regiſter*, or other Aſſumed, — upon pain of Suſpenſion.

Of Regiſters.

NO Chancellor, Commiſſary, Archdeacon, Official, or any other Perſon uſing Eccleſiaſtical Juriſdiction whoſoever, ſhall ſpeed any judicial Act, either of contentious or voluntary Juriſdiction, *n* except he have the ordinary Regiſter of that Court, or his Lawful Deputy: or if he or they will not, or cannot be preſent, then ſuch Perſons as by Law are allowed in that behalf, to write or ſpeed the ſame, under pain of Suſpenſion *ipſo facto*.

Extra. l. 2. t. 19. c. 11. de Prob.

n **Except he have.**] This is according to the Rule of the ancient Canon Law: *Quoniam contra falſam Aſſertionem iniqui Judicis, innocens litigator quandoque non poteſt veram negationem probare, cùm negantis factum, per rerum naturam, nulla ſit directa Probatio; nè falſitas veritati præjudicet, aut iniquitas prævaleat æquitati; Statuimus, ut tam in Ordinario Judicio quàm in Extraordinario, Judex ſemper adhibeat aut* publicam *(ſi poteſt habere)* perſonam, *aut* duos *viros idoneos, qui fideliter univerſa Judicii Acta conſcribant, videlicet, Citationes, Dilationes, Recuſationes, Exceptiones, Petitiones, Reſponſiones, & Interrogationes, Confeſſiones, Teſtium Depoſitiones, Inſtrumentorum Productiones, Interlocutiones, Appellationes, Concluſiones, & cætera quæ occurrerint, competenti ordine conſcribenda; loca deſignando, tempora, & perſonas. Et omnia ſic conſcripta Partibus tribuantur, ita quòd* Originalia *penes Scriptores remaneant; ut ſi ſuper proceſſu Judicis fuerit ſuborta contentio, per hoc poſſit Veritas declarari: quatenus hoc adhibito moderamine, ſic honeſtis, & diſcretis deferatur Judicibus, quòd per improvidos, & iniquos, innocentium juſtitia non lædatur. Judex autem, qui conſtitutionem ipſam neglexerit obſervare, ſi propter ejus negligentiam quid difficultatis emerſerit, per ſuperiorem judicem debitâ animadverſione caſtigetur: nec pro ipſius præſumatur proceſſu, niſi quatenus in cauſâ legitimis conſtiterit documentis.*

16. q. 3. v. *Subſcrip.* 6 Decretal. l. 5. t. 2. c. 11.

As to the Credit of a Notary, the Rule is, *Unus Notarius æquipollet duobus teſtibus*; and, on the other hand, *Duo teſtes æquipollent Tabellioni.*

Concerning the Buſineſs of the ſame Office, I will here ſubjoin two Declarations out of the ancient Canon-Law:

Extra. l. 2. t. 22. c. 15.

Cum P. Tabellio morte præventus quædam non perfecerit inſtrumenta, quæ in notam redacta fuerant ab eodem: Ad petitionem eorum ad quos pertinent, auctoritate ordinarii Judicis poteris ea fideliter in publicam formam redigere habitura per hoc perpetuam firmitatem.

Ibid. c. 16.

Si inſtrumenta propter vetuſtatem, vel propter aliam juſtam cauſam exemplari petantur: Coram ordinario Judice, vel delegato ab eo ſpecialiter præſententur: qui ſi ea diligenter inſpecta in nullâ ſui parte vitiata repererit, per publicam perſonam illa præcipiat exemplari, eandem auctoritatem per hoc cum originalibus habitura.

CANONS 1603.

1 Jac. 1.

cxxxiv. *Abuſes to be reformed in Regiſters.*

Any Regiſter, behaving himſelf — negligently, — undutifully, — or partially, — ſhall be Suſpended.

IF any Regiſter or his Deputy, or Subſtitute whatſoever, ſhall receive any Certificate without the knowledge and conſent of the Judge of the Court; or willingly omit to cauſe any Perſon, cited to appear upon any Court-day, to be called, or unduly put off, and defer the Examination of Witneſſes to be examined by a day ſet and aſſigned by the Judge, or do not obey and obſerve the Judicial and Lawful Monition of the ſaid Judge, or omit to write, or cauſe to be written ſuch Citations and Decrees, as are to be put in Execution and ſet forth, before the next Court-day; or ſhall not cauſe all Teſtaments exhibited into his Office to be Regiſtred within a convenient time; or ſhall ſet down or enact, as decreed by the Judge, any thing falſe, or conceited by himſelf, and not ſo ordered or decreed by the Judge; or in the tranſmiſſion of Proceſſes to the Judge *Ad quem*, ſhall add, or inſert any falſhood or untruth, or omit any thing therein, either by cunning, or by groſs negligence; or in Cauſes of Inſtance, or promoted of Office, ſhall receive any reward in favour of either Party, or be of Counſel directly or indirectly with either of the Parties in Suit; or in the execution of their Office ſhall do ought elſe maliciouſly, or fraudulently, whereby the ſaid Eccleſiaſtical Judge or his Proceedings may be ſlandered or defamed: We will and Ordain, that the ſaid Regiſter, or his Deputy, or Subſtitute, offending in all, or any of the Premiſſes, ſhall, by the Biſhop of the Dioceſs, be Suſpended from the Exerciſe of his Office, for the ſpace of one, two, or three months, or more, according to the quality of his Offence, and that the ſaid Biſhop ſhall aſſign ſome other Publick Notary to execute and diſcharge all things pertaining to his Office, during the time of his ſaid Suſpenſion.

CAP. VII.

Of APPARITORS.

A.D.1261.
45 *H.* 3.

BONIFACIUS.

Apparitores ad cujuſcunque Clerici Hoſpitium miſſi, nihil ratione Procurationis aut alterius ſervitii exigant; contenti quod gratis & libenter dabitur. Neque per Sub-bedellos, aut Nuncios, ſed per ſe exequantur commiſſa. Bedelli autem contra hæc facientes, puniantur, & gravatis duplum reſtituant.

Of Apparitors.

Lyndw. Edit. Oxon. p. 221.

ITEM contra gravamina & exceſſus, quæ per Bedellos ſeu [o] Apparitores Archidiaconorum & [p] Decanorum ſubditis inferri didicimus, remedium adhibere volentes, Statuimus, ut cùm pro faciendis [q] executionibus, aut pro aliis [r] neceſſitatibus, Hoſpitia Rectorum, Vicariorum, ſeu Capellanorum, vel aliorum Preſbyterorum, Clericorum, vel Religioſorum, eos declinare contigerit, nihil omninò ratione Procurationis, vel alterius ſervitii exigant ab eiſdem; ſed cum gratiarum actione recipientes ea quæ eis ab Hoſpitibus apponentur illis, contenti exiſtant. Neque per Nuncios, & Sub-bedellos, ſed per ſeipſos executiones faciant præceptorum. [s] Bedelli verò, qui contra hoc fecerint, & oneroſi ſeu injurioſi ſubditis Dominorum ſuorum inventi fuerint, graviter [t] puniantur, & gravatis duplum reſtituere teneantur.

Apparitors, coming to the Houſes of Clergymen,

—ſhall demand nothing, but take thankfully what is ſet before them;

—and they ſhall alſo do their duty in Perſon.

Lyndw. de Jud. c. *Exceſſis.* v. *Apparitores.* p. 90.

[o] Apparitores.] *Sic dictos, quia faciunt reos apparere in conſpectu Judicum; vel, quia ipſi ad obſequendum ſemper apparent, & ſunt parati.* Lyndw.

[p] Decanorum.] *Supple* Ruralium; *qui etiam ſub Archidiacono quandoque certum Miniſterium habent.* Lyndw.

[q] Executionibus.] *Scil. Mandatorum eis directorum.* Lyndw.

[r] Neceſſitatibus.] *i. e. Negotiis tangentibus Officium Archidiaconi.* Lyndw.

[s] Bedelli.] *i. e. Apparitores* —— *aliud vocabulum, quo nominantur quandoque Apparitores.* Lyndw.

[t] Puniantur.] *Juſtum eſt, ut hæc Punitio fiat primò & principaliter per ipſorum Dominos; Archidiaconos, videlicet, vel Decanos.* —— *Si tamen ipſorum Domini eos non puniant, poſſunt Superiores, Epiſcopi videlicet, vel eorum Officiales, eos punire.* Lyndw.

A.D.1261.
45 *H.* 3.

BONIFACIUS.

Apparitores & Bedelli non ferant Sententias Excommunicationis aut Interdicti ſine ſpecialibus literis Dominorum ſuorum, quorum intereſt; latæ autem ſecus Sententiæ non ligent, ferentes autem gravatis duplum rependant, & Dominis juſtam pœnam dent.

Lyndw. Edit. Oxon. p. 352.

ITEM contra gravamina, *& infrà.* Statuimus, ut Apparitores ſeu Bedelli Archidiaconorum vel [u] Decanorum, Sententias Excommunicationis, Suſpenſionis, vel Interdicti per ſe non ferant, neque per alios latas denuncient, ſine ſpecialibus literis Dominorum ſuorum. Et ſi ſecus præſumptum fuerit, Sententiæ ſic latæ ipſo Jure non teneant, nec ſerventur, cùm in veritate non ligent. Et Bedelli qui contra hoc fecerint Statutum, & oneroſi ſeu injurioſi ſubditis Dominorum ſuorum inventi fuerint, graviter puniantur, & gravatis duplum reſtituere teneantur.

Apparitors, *&c.* ſhall not denounce Sentences without the Letters of their Maſters,

—upon pain that the Sentences be null,

—and the Apparitors Puniſhed.

[u] Decanorum.] *Sive Eccleſiarum Cathedralium, ſive Ruralium: Nam & Decani Rurales in quibuſdam partibus* habent *Juriſdictionem, & Apparitores ſeu Bedellos ſibi intendentes.*

A.D 1342.
17 *Edw.* 3.

JOHANNES STRATFORD.

Suffraganei duntaxat unum Apparitorem equitem habeant. Archidiaconi verò pro ſingulis Decanatibus Apparitorem unum, non equitem, ſed peditem. Nec in Capitulis Collectas exigant, ſed gratis datas pecunias gratanter accipiant. Tranſgreſſores autem ab Officio ſuſpendantur, tam Deputans quam Deputatus.

Lyndw. Edit. Oxon. p. 225.

CUM Apparitorum, *& infrà.* Præſentis approbatione Concilii Statuimus, quòd ſinguli noſtri Suffraganei unum Apparitorem equitem habeant duntaxat pro Diœceſibus eorundem; Locorum verò Archidiaconi noſtræ Provinciæ pro ſuorum Archidiaconatuum ſingulis Decanatibus, unum Apparitorem, non Equitem, ſed Peditem habeant tantummodò incedentem: Qui cum Rectoribus, aut Eccleſiarum Vicariis, ultra noctem & diem unicam ſingulis Quarteriis in anno, ipſorum ſumptibus non morentur, niſi per eoſdem invitati fuerint ad morandum ſpecialiter. Nec in Capitulis generalibus Collectas in pecunia, ſeu alias de Lanis, Agnis, vel rebus aliis faciant aliquales; gratis tamen eis data cum gratiarum actione recipere valeant. Quòd ſi plures contra hoc fuerint deputati, vel eorum aliqui præmiſſa reperti fuerint temerè violare, deputantes eoſdem tamdiu ipſo facto ab Officio & Beneficio ſint ſuſpenſi, donec hujuſmodi amoverint Deputatos, quos etiam ab Apparitorum officio perpetuò Suſpendimus ipſo facto.

Biſhops ſhall have but one riding Apparitor, and an Archdeacon a walking-one for each Deanry,

—who ſhall not be burthenſom to the Clergy,

—upon pain of Suſpenſion, of Archdeacon and Apparitor.

Of Apparitors.

1 Jac. 1.

CANONS 1603.

cxxxviii. *The Number of Apparitors reſtrained.*

No Judge ſhall have more Apparitors, than have been uſual for the laſt 30 years.

Apparitors ſhall execute their Office in Perſon,

—and not be Promoters,

—nor take undue Fees.

Biſhop offending, ſhall diſcharge the Perſon,

—and an Inferiour Ordinary be Suſpended,

—and the Apparitor removed.

The Archbiſhop of *Canterbury* may Abridge the Number of Apparitors in any Dioceſs.

FOraſmuch as we are deſirous to redreſs ſuch Abuſes and Aggrievances as are ſaid to grow by Sumners and Apparitors: We think it meet, that the [uu] multitude of Apparitors be (as much as is poſſible) abridged or reſtrained: Wherefore we decree and ordain, That no Biſhop or Archdeacon, or their Vicars or Officials, or other inferior Ordinaries, ſhall depute or have more Apparitors to ſerve in their Juriſdictions reſpectively, than either they or their Predeceſſors were accuſtomed to have, thirty Years before the Publiſhing of theſe our preſent Conſtitutions. All which Apparitors ſhall by themſelves [w] faithfully execute their Offices; neither ſhall they under any colour or pretence whatſoever, cauſe or ſuffer their Mandates to be executed by any Meſſengers or Subſtitutes, unleſs it be upon ſome good cauſe, to be firſt known and approved by the Ordinary of the place. Moreover, they ſhall not take upon them the [x] Office of Promoters or Informers for the Court; neither ſhall they exact more or greater Fees than are in theſe our Conſtitutions formerly preſcribed. And if either the number of Apparitors deputed, ſhall exceed the foreſaid Limitation, or any of the ſaid Apparitors ſhall offend in any of the Premiſſes, the Perſons deputing them, if they be Biſhops, ſhall, upon Admonition of their Superiour, diſcharge the Perſons exceeding the number ſo limited: If inferiour Ordinaries, they ſhall be ſuſpended from the execution of their Office, until they have diſmiſſed the Apparitors by them ſo deputed, and the Parties themſelves ſo deputed ſhall for ever be removed from the Office of Apparitors: and if, being ſo removed, they deſiſt not from the exerciſe of their ſaid Offices, let them be puniſhed by Eccleſiaſtical Cenſures, as Perſons Contumacious. Provided, that if upon experience the number of the ſaid Apparitors be too great in any Dioceſs in the judgment of the Archbiſhop of *Canterbury* for the time being, they ſhall by him be ſo Abridged as he ſhall think meet and convenient.

Reg. 3. *Whitg.* f. 124, b. 134, b.

Coll. Can. 256.

[uu] **Multitude of Apparitors.**] This was one of the Irregularities, noted in the time of Archbiſhop *Whitgiſt*, and alſo complained of in Parliament; upon which, a Conſtitution was made in the year 1597: and from thence the greateſt part of this Canon is taken.

12 Rep. 127.
2 Bulſtr. 264.
1 Rolle, 63.
Mo. 835.

[w] **Faithfully execute.**] In the Reign of K. *James* the firſt, it was reſolved by the whole Court, that if a Sumner or Apparitor return one *Cited* upon his Oath in Court-Chriſtian, where in truth he was *not Cited*, and the Party thereupon is pronounced *Contumax*, and after is Excommunicated; he ſhall have an Action upon the Caſe, againſt the Apparitor; becauſe here is *Injuria & Damnum:* and altho' the Proceeding and Oath touching this matter, be Eccleſiaſtical, yet the *Damage* is Temporal; for he is diſabled to ſue in any Court.

Laud. 155, 2.

In Archbiſhop *Laud*'s Regiſter, we find a Suſpenſion *Apparitoris illiterati.*

3 Cro. 291.

[x] **Office of Promoters.**] In the 8*th* of *Charles* the firſt, an Action upon the Caſe was brought againſt an Apparitor, for procuring one, *maliciouſly*, to be Cited into the Conſiſtory Court for Incontinency; who, after great Charges, Vexation and Diſcredit, was cleared by Sentence of the Court. And it being found, that what the Apparitor did, was done *falsò & malitiosè*, the Court held, that the Action did well lie.

CAP. VIII.

Officers in the Spiritual Courts ſhall not be DISTURBED, *in the* ADMINISTRATION *of Juſtice.*

JOHANNES STRATFORD.

A.D. 1342.
16 *E.* 3.

Lyndw. Edit. Oxon. p. 260.

Quicunque Judices Eccleſiaſticos infrà-dicendo modo gravant, Excommunicationis ſententiâ innodentur, & publicè denuncientur; non niſi à Diœceſanis abſolvendi.

Officers in the Spiritual Courts ſhall not be Diſturbed in the Adminiſtration of Juſtice.

Obſtructions to Eccleſiaſtical Juſtice,
—by Lords inhibiting their Lay-tenants to appear,

—by Indicting Eccleſiaſtical Judges of Extortion, for impoſing pecuniary Penances,

ACcidit novitate perverſâ, quòd cùm Eccleſiarum [y] Prælati, de morum diſciplina, peccatis, & exceſſibus ſubditorum nituntur inquirere, Magnates, & alii Poteſtates Sæculares officia impedire molientes eorum, inhibent Laicis ipſorum tenentibus, aut [z] nativis, nè ad Ordinariorum citationes pro ſuorum criminum vel exceſſuum correctionibus canonicè ſubeundis, quorum correctio & punitio ad ipſos Ordinarios noſcitur pertinere de Jure vel conſuetudine, aut pro Teſtamentorum inſinuationibus, probationibus, aut calculis de bonis defunctorum adminiſtratis per eos, ſeu computis, & aliis teſtamentariis Juribus, extra locum ſui domicilii veniant vel compareant coram eis; & nè in locis ſui Dominii per Prælatos exerceantur præmiſſa impediunt, & procurant nequiter impediri, ſibique ſuper his Juriſdictionem uſurpant: Alii prætereà viros Eccleſiaſticos Juriſdictionem Eccleſiaſticam exercentes, & ſuis ſubditis pro eorum culpis & exceſſibus pœnitentias corporales ſeu pecuniarias imponentes, ac ipſos facere cogentes eaſdem, ſicut ordinariè ipſis

[y] Prælati.] *Quicunque Juriſdictionem obtinentes.* Lyndw.

[z] Nativis.] *i. e. Tenentibus, qui ſunt Servilis Conditionis; & dicuntur* Nativi, *quia* naſcuntur *Servi.* Lyndw.

licet

Officers in the Spiritual Courts ſhall not be Diſturbed in the Adminiſtration of Juſtice.

licet, aut pro pœnitentiis corporalibus juxtâ modum exceſſuum ſuorum impoſitis, redemptiones pecuniarias, prout juſtè poterunt, admittentes, de & ſuper extorſionibus exceſſivis indictant, ſicque indictatos attachiant & incarcerant, ac ſuper his in foro Sæculari eos ſibi reſpondere compellunt; quibus mulctas pecuniarias eâ occaſione in dicto foro Sæculari imponi procurant, & faciunt indebitè pro libito voluntatis: Frequenter etiam multi cum turmis & ſtrepitu ad Judicia concurrunt Eccleſiaſtica, ac Judices, litigantéſque, ſeu habentes ibidem alia expedire, graviter ſic exterrent, quòd Eccleſiaſtica confunditur Juriſdictio, & opprobriosè officium Prælatorum ſuſpenditur & nequiter impeditur; ac in culpam facilè homines corruentes, dum pœna non reprimit tranſgreſſores, impunitatem ſibi pœnalem nutriunt, ac antiqui hoſtis inſidiis levem aditum præparant & frequentem: Alii ſiquidem multos, pro eo quòd cauſas & negotia in foro Eccleſiaſtico de Jure vel Conſuetudine pertractanda ibidem contra adverſarios ſuos movent, necnon Advocatos poſtulantes pro eis, & Procuratores, alioſque Miniſtros, & Eccleſiaſticos Judices cognoſcentes ſuper his, indictari, attachiari, carcerique mancipari, & aliàs in foro Sæculari multipliciter fatigari faciunt & procurant; ſuiſque tenentibus & aliis ad forum Eccleſiaſticum pro cauſis ſeu negotiis in ipſo de Conſuetudine vel de Jure tractandis recurrentibus, ſi non deſiſtant, & in foro Sæculari ſuper his litigent, imponunt ſæpiſſimè graves mulctas, ipſoſque affligunt, & vexant injuſtè multimodis laboribus & expenſis: Alii verò Epiſcopos, Juriſdictionem ſuam in Civitatibus, ſeu locis aliis eis ſubditis debitè exercere volentes, in & ſuper his quæ ſpectant notoriè ad eoſdem, ſeu pro exercitio Juriſdictionis Eccleſiaſticæ mandata ſua licita & Canonica deſtinantes, executioneſque eorum debitè faciendas, impediunt, vel impediri procurant injuſtè, ac nuncios mandata hujuſmodi deferentes & facere debitè juſtas executiones volentes, capere, verberare, & malè pertractare injuriosè præſumunt: Quidam etiam [a] Domini temporales, & eorum [b] Ballivi, bona decedentium ab inteſtato in ſuis diſtrictibus ad ipſos Dominos prætendentes fore, quamvis erroneè, devoluta, nè per Ordinarios bona hujuſmodi pro debitorum ſolutione ſic decedentium, ac in alios pios uſus pro ipſorum animarum ſalute convertantur utiliter, prout conſenſu Regio, & Magnatum Regni *Angliæ*, tanquam pro Jure Eccleſiaſticâque libertate ab olim extitit ordinatum, impediunt, in derogationem Eccleſiaſticæ libertatis, Juriſque, & Juriſdictionis Eccleſiaſticorum impedimentum & læſionem enormem: Nos igitur, præſentis deliberatione Concilii, omnes & ſingulos in præmiſſis vel eorum aliquibus delinquentes, ſeu præmiſſa vel eorum aliqua facientes, conſenſum ad ea dantes, conſilium, auxilium, vel favorem, aut ea vel eorum aliqua, in ſuis facta negotiis, nominibus eorum rata vel accepta habentes, hoc ſacro approbante Concilio pronunciamus majoris Excommunicationis ſententiâ innodari: quorum abſolutionem Diœceſanis locorum ſpecialiter reſervamus, & delinquentes hujuſmodi quater annis ſingulis in cunctis Eccleſiis Parochialibus noſtræ *Cantuarienſis* Provinciæ Excommunicatos in genere præcipimus publicè nunciari.

—by intimidating the Judges with Crouds and Clamour,

—by vexing Parties, Advocates, and Judges, in the Temporal Courts, for Proceſs in the Spiritual,

—by oppoſing the Execution of Eccleſiaſtical Power, and Sentences,

—by taking from the Ordinaries the diſpoſal of the Goods of Inteſtates;

All which Diſturbers ſhall incur the greater Excommunication.

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[a] Domini Temporales.] *Supple, Temporalem Juriſdictionem habentes.* Lyndw.

[b] Ballivi.] *i. e. Judices illius Juriſdictionis.* Lyndw.

TIT. XLIV.

SPIRITUAL COURTS, and PROCEEDINGS therein.

THE CONTENTS.

Cap. I. TIME *and* PLACE, *for the* KEEPING *of Courts.*
Cap. II. CITATIONS, *and* RETURNS.
Cap. III. *Of the* LIBEL.
Cap. IV. OATHS, WITNESSES, *and* PERJURY.
Cap. V. SEAL *of* OFFICE.
Cap. VI. *Of* FEES, *and* EXTORTION.

CAP. I.

TIME *and* PLACE, *for the* KEEPING *of Courts.*

JOHANNES STRATFORD.

A.D. 1342.
17 *Edw.* 3.

Omnes Ordinariam Juriſdictionem habentes, Conſiſtoria, Seſſiones, & Capitula ſua, in locis magis inſignibus, & victui magis opportunis, celebrent: nec ad alia loca Citatos damno afficiant, aut ipſi ab ingreſſu Eccleſiæ ſuſpendantur.

Eccleſiaſtical Judges appoint their Courts, where Proviſions are ſcarce,
—and then vex the Incumbents, if they be not ſplendidly entertained.
Courts, *&c.* ſhall be held in places of note,
—and the Officers entertained by their Maſters;
—upon pain that the Citation, and Proceſs, ſhall be null,
—and the Officers Suſpended.

EXcuſſis, & *infrà.* Conſiderantes, ex eo quòd quidam Epiſcoporum, Archidiaconorum, & aliorum Ordinariorum Officiales, ſua *a* Conſiſtoria, Seſſiones, & Capitula de tribus in tres, vel de quatuor in quatuor ſeptimanas annis ſingulis celebrantes, per varia loca ſuarum Juriſdictionum, & Decanatuum noſtræ Provinciæ, illuc frequenter quo victualia venalia cum difficultate obtinere valeant, declinantes, Rectores & Vicarios Eccleſiarum, in locis quibus hujuſmodi ſua celebrant Conſiſtoria, Seſſiones, ſeu Capitula, vel vicinis ſimilibus, ſumptibus onerant exceſſivè, ac ſcandali & calumniæ materiam ſuſcitant: eò gravius quòd ſi per Rectores & Vicarios Eccleſiarum hujuſmodi diebus illis ſplendidè non *b* procurentur ad votum, ipſos laboribus vexantes, quæſitis coloribus & cauſis confictis infeſtant graviter, & moleſtant: Propter quæ & alias injuſtas cauſas, præſentis ſtatuimus deliberatione Concilii, quòd hujuſmodi Conſiſtoria ſingula, Seſſiones, & Capitula, in locis Juriſdictionum & Decanatuum prædictorum magis inſignibus, vel ſaltem in quibus victualia communiter valeant inveniri venalia, de cætero celebrentur. Quòdque Officiales & cæteri Ordinariorum miniſtri, ſuorum ſumptibus Dominorum tam in hujuſmodi celebratione Conſiſtoriorum, Seſſionum, & Capitulorum, quam in aliis actibus, quos pro ſuis exercent Dominis, faciant quæ incumbunt. Citationes autem ad Conſiſtoria, Seſſiones, & Capitula hujuſmodi, in aliis locis quam expreſſis ſuperius celebranda, & proceſſus, quos in eis contigerit in poſterum fieri, ipſo jure decernimus fore nullos, ac Officiales prædictos pro ſuorum Dominorum expediendis negotiis ſumptus à dictis ſubditis exigentes, ſeu ipſos occaſione non præſtationis ſumptuum hujuſmodi infeſtantes, eo ipſo ab officio, & ingreſſu Eccleſiæ ſuſpenſos volumus remanere.

The Time and Place, for the Keeping of Courts.
Lyndw. Edit. Oxon. p. 98.

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a Conſiſtoria.] *Scil. quoad Epiſcopos: differunt enim Conſiſtorium, & Tribunal: nam* Tribunal, *eſt locus in quo ſedet Ordinarius Inferior; ſed* Conſiſtorium, *eſt locus in quo ſedet Princeps, ad judicandum.* Lyndw.

b Procurentur.] *Scil. in Victualibus, pro ſe & ſuis miniſtris; cùm tamen, in hoc caſu, nulla Procuratio eis debeatur.* Lyndw.

The Time and Place, for the Keeping of Courts.

1 Jac. 1.

CANONS 1603.

CXXV. *Convenient Places to be Choſen for the keeping of Courts.*

ALL Chancellors, Commiſſaries, Archdeacons, Officials, and all other exerciſing Eccleſiaſtical Juriſdiction, ſhall appoint ſuch meet places for the keeping of *c* their Courts by the aſſignment or *d* approbation of the Biſhop of the Dioceſs, as ſhall be convenient for Entertainment of thoſe that are to make their appearance there, and moſt indifferent for their Travel. And likewiſe they ſhall keep and end their Courts in ſuch convenient time, as every Man may return homewards in as due Seaſon as may be.

Eccleſiaſtical Judges ſhall order Courts to the beſt convenience, — as to place, — and as to time.

c **Their Courts.**] Till the Reign of *William* the Conqueror, the Court for Eccleſiaſtical and Temporal matters, was one and the ſame, namely, the *County Court*; where the Biſhop and the Sheriff, or their Repreſentatives, ſat jointly, for the Adminiſtration of Juſtice; the firſt, in matters Eccleſiaſtical, by the Laws of the Church; the ſecond, in matters Temporal, by the Laws of the State. And we learn from the Laws of *Edward* the Confeſſor, that if any Eccleſiaſtical matter was to be heard, it had the Preference in point of *time*; *Si Miſſus Epiſcopi, veniens illuc, cauſam aperuerit S. Eccleſiæ, ipſa primitùs terminetur: Juſtum eſt enim, ut ubique Deus præ cæteris honoretur.* Leges Edw. Conf. l. 4.

But this *mixture* of Judges and Cauſes, occaſioning great Confuſion, *William* the Conqueror *ſeparated* the Eccleſiaſtical from the Temporal Courts; as appears by the following Charter:

"WILLELMUS, Dei gratiâ, Rex *Anglorum*, *R. Bainardo*, & *G. de Magnavilla*, & *P. de Valoines*, cæteriſque meis fidelilibus de *Eſſex* & *Hertfordſchire* & de *Middleſex*, ſalutem. Sciatis vos omnes & cæteri mei fideles, qui in *Anglia* manent, quòd Epiſcopales leges, quæ non benè, nec ſecundùm ſanctorum Canonum præcepta, uſque ad mea tempora in Regno *Anglorum* fuerunt, communi Concilio, & Concilio Archiepiſcoporum & Epiſcoporum, & Abbatum, & omnium Principum Regni mei, emendandas judicavi. Propterea mando, & Regiâ auctoritate præcipio, ut nullus Epiſcopus, vel Archidiaconus, de legibus Epiſcopalibus ampliùs in Hundret placita teneant; nec cauſam, quæ ad regimen animarum pertinet, ad judicium ſæcularium hominum adducant: ſed quicunq; ſecundùm Epiſcopales leges, de quâcunq; cauſa vel culpa interpellatus fuerit, ad locum quem ad hoc Epiſcopus elegerit & nominaverit, veniat; ibique de cauſa vel culpa ſua reſpondeat, & non ſecundùm Hundret, ſed ſecundùm Canones & Epiſcopales leges, & rectum Deo & Epiſcopo ſuo faciat. Si verò aliquis, per ſuperbiam elatus, ad Juſtitiam Epiſcopalem venire contempſerit, & noluerit, vocetur ſemel, & ſecundò, & tertiò: Quod ſi nec ſic ad emendationem venerit, excommuuicetur; &, ſi opus fuerit ad hoc vindicandum, fortitudo & juſtitia Regis vel Vicecomitis adhibeatur: Ille autem qui vocatus ad Juſtitiam Epiſcopi venire noluerit, pro unaquâque vocatione Legem Epiſcopalem emendabit. Hoc etiam defendo, & mea auctoritate interdico, ne ullus Vicecomes aut Præpoſitus, ſeu Miniſter Regis, nec aliquis laicus homo, de Legibus quæ ad Epiſcopum pertinent, ſe intromittat; nec aliquis laicus homo alium hominem ſine Juſtitia Epiſcopi ad judicium adducat: Judicium verò in nullo loco portetur, niſi in Epiſcopali ſede, aut in illo loco, quem Epiſcopus ad hoc conſtituerit. Spel. Vol. 2. p. 14.

My Lord *Coke* (willing to make this Separation as *modern* as he can) mentions two Objections againſt this Charter; 1. The Time of the *Enrolling* it, which was not before 2 *Ric.* II. But it follows not, from its being then found Enrolled, on occaſion of a Suit of the Dean and Chapter of *Lincoln* (for which reaſon, the Biſhoprick of *Lincoln* is ſpecially mentioned) that therefore it was not *Enrolled* before; being of *general* concern, as appears by the whole Tenor of it. 2. The Mention of Spiritual Cauſes, as ſtill tried there, in the Reign of *Henry* the *Firſt*; as appears by the Laws of that King, *Numb.* 7. where, ſpeaking of the *Generalia comitatuum placita*, he ſays, *Interſint autem Epiſcopi, Comites, Vice-Domini, &c.* — And afterwards, *Agentur itaque primò debita veræ chriſtianitatis Jura.* Which only ſuppoſes, that the ſeparate State of the Eccleſiaſtical Courts was not yet ſo far *eſtabliſhed*, but that Cauſes Eccleſiaſtical were ſtill tried threre; as the Penalties in the foreſaid Charter, for enforcing Attendance on the Biſhop in his ſeparate Court, *ſuppoſes* a foreſight of ſome Difficulty in bringing the People to attend a Court, which they had not been accuſtomed to. 4 Inſt. 259.

d **Approbation of the Biſhop.**] This is agreeable to the Rule of the Ancient Canon-Law: *Cùm Epiſcopus in totâ ſuâ Diœceſi Juriſdictionem Ordinariam noſcatur habere; Dubium non exiſtit, quin in quolibet* Loco *ipſius Diœceſis non exempto, per ſe, vel per alium, poſſit pro tribunali ſedere*, &c. And where the *Reformatio Legum* directs, that *Inferior* Ordinaries hold their Courts in *locis ſolitis*; Proviſion is made for the *Biſhop*, not only, *ut in* quolibet loco *ſuæ Diœceſeos ſedere pro tribunali poſſit*; but alſo *that Inferiour courts may be held in any place, with his* leave *and* conſent: *Nemo pro tribunali in quolibet loco ſedere, de* conſenſu *Ordinarii loci, probibeatur.* 6 Decretal. l. 1, t. 16. c. 7. Rot. Parl. 7 *R.* 2.

In the caſe of the Biſhop of St. *David*'s, it was alledged againſt the Proceedings of the Archbiſhop, that he was Cited to *Lambeth*, before his Grace, and not to the Court of Arches; upon which it was declared by the Court of King's Bench, "That the Archbiſhop may hold his Court where he pleaſes, and may convene before himſelf, and ſit Judge himſelf; and ſo may any other Biſhop; for the Power of a Chancellor or Vicar General is only delegated in eaſe of the Biſhop." 1 Salk. p. 134.

CAP. II.

CITATIONS, *and* RETURNS.

OTHO.

A.D. 1237. 22 *H.* 3.

Summarium.

Literæ Citatoriæ in Cauſis Eccleſiaſticis, non mittantur amplius in Anglia per nuncios impetrantis, ſed per fidelem nuncium à Judice delegatum; qui ſi vocandum reperire nequit, literas in Officio ſolenni publicè recitari, aut ad Decanum perferendas, fideliter dirigi procuret, iſque quid ſecerit reſcribat.

Citations being oft times fraudulently executed by the hands of the Promoters,

Otho, Edit. Oxon. p. 63.

TAnto calliditatis ſtudio proſequuntur ſe alterutrum litigantes, ut in ſupplantatione alterius, calcato Juſtitiæ cultu, alter faciat quicquid poſſit. Denique à multis accepimus, quòd Citatorias Literas [†] impetratas impetrantes, eas [e] ad locum, in quo morari dicitur qui citatur, per tres deſtinant [f] Garſiones, quas ſuper Altare loci ejuſdem Eccleſiæ, vel ibidem in loco alio, duo ponunt, & tertius ſtatim rapit: ex quo fit, ut duobus poſtmodùm teſtificantibus quod illum citaverunt juxta morem & conſuetudinem Regionis, excommunicatur vel ſuſpenditur ut contumax, qui contumaciæ prorſus, utpote Citationis, inſcius & expers erat.

[†] *MS.* Omittit *Impetratas.*

—they ſhall always be ſerved by an Officer of the Court, —(on the Perſon if he can be found, or otherwiſe, by publication in the Church,) —or by the Dean Rural.

Hunc itaque abuſum tam deteſtabilem, & alios ſimiles zelo Juſtitiæ proſequentes, [*] ut per impetrantes vel per eorum nuncios in Cauſis Eccleſiaſticis Regni *Angliæ* Literæ Citatoriæ de cætero non mittantur, ſed Judex, moderatis ſumptibus impetrantis, per ſuum fidelem nuncium eas mittat; qui vocandum diligenter perquirat; quem [ff] ſi reperire non poterit, die Dominico, vel alio [g] ſolenni, [h] in Eccleſiâ loci illius, in quo degere conſuevit, dum Miſſa cantatur, publice Literas legi faciat & exponi; vel ſaltem ad [i] Decanum, in cujus Decanatu moratur qui vocandus exiſtit, Citatio dirigatur, qui à Judice juſſus hoc fideliter proſequatur per ſe aut certos ſuos nuncios & fideles, quodque inde fecerit eidem reſcribere Judici non omittat.

[*] *MS.* addit *Statuimus.*

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[e] Ad locum.] *i. e. Ante locum; cùm Citans nequeat Domum ingredi alicujus inviti.* J. de Athon.

[f] Garſiones.] *i. e. Pedites, & ſequentes equos.* J. de Athon.

[ff] Si reperire.] *Sed nunquid omnia iſta tria, de citando Dominum, ſi reperiatur, vel ejus Procuratorem, ſi quem dimiſerit, alioquin publico Citationis Edicto viis & modis, ſimul per ordinem in primo Citatorio conjungi poſſunt? Videtur quòd non; prout in quâdam Cauſâ arduâ coram certis Delegatis Lincoln. inter graves perſonas agitatâ, ſuſtinere nitebar. Nam ubi requiritur ſeries Executionis, vel ordo, ex Judicis præcepto; primo non impleto, eſt opus juſſu ſecundo.* J. de Athon.

[g] Solenni.] *i. e. Feſtivo; quando Parochiani communiter ad Eccleſiam conveniunt.* J. de Athon.

[h] In Eccleſiâ.] *Vel publicè in Plateâ, ſi prohibeatur Eccleſiam intrare.* J. de Athon.

[i] Decanum.] *Scil. Ruralem.* J. de Athon.

OTHOBON.

A.D. 1268. 52 *H.* 3.

Summarium.

Approbatâ Conſtitutione Othonis, *adjiciendo Statuit, ut cum Judex quemvis citandum edicit, Citationem faciendam loci Decano vel certæ perſonæ demandet; unde niſi edoctus ſit Citationem juxta Statuti formam expletam eſſe, ipſa nullius ſit efficaciæ.*

The neceſſity of regulating Judicial Proceedings;

Othob. Edit. Oxon. p. 123.

ITA mortalium ſæva cupiditas ſuum in ſeipſum reflectit ardorem, ut quicquid ſibi poſſit attrahere non deſiſtat, non timens Divinam offenſam, vel proximi læſionem. Quod litigiorum anfractus & procellæ Cauſarum manifeſtè declarant, in quibus ſeipſum ſolùm reſpiciens litigator, ſic errat in via Juſtitiæ, ut æquum & juſtum æſtimet, quicquid adverſario noceat, & jure vel injuriâ ſibi proſit.

—and particularly, Citations, concerning which, *Otho* made the foregoing Conſtitution;

—and it is further added, that the Judge ſhall direct the Citation to ſome certain Perſon,

Sanè, quoniam in Citationis articulo, fraudem præcipuè fieri eſt compertum, prædictus Legatus *Otho* Statuit, ut per impetrantes, vel eorum nuncios, in Cauſis Regni *Angliæ* Citatoriæ Literæ non mittantur, ſed Judex, moderatis ſumptibus impetrantis, per ſuum fidelem nuncium eas mittat, qui vocandum diligenter perquirat: quem ſi invenire non poterit, die Dominico, vel alio Solenni, apud Eccleſiam loci illius in quo degere conſuevit, dum Miſſa cantatur, literas legi faciat & exponi; vel ſaltem ad Decanum, in cujus Decanatu moratur qui vocandus exiſtit, Citatio dirigatur; qui à Judice juſſus, finaliter exequatur per ſe vel per certos nuncios & fideles, quodque inde fecerit eidem ſcribere non omittat. Nos autem, ut circa Citationis articulum cautiùs procedatur, & totius diſcriminis materia (quantum in nobis eſt) penitùs auferatur, Conſtitutioni dicti Legati adjiciendo Statuimus, ut cùm Judex contra quemlibet abſentem emittit Citationis Edictum, Citationem faciendam Decano loci, vel alicui certæ perſonæ demandet. Is verò, cui demandata fuerit, cùm

Citations and Returns.

cùm eam fideliter fuerit executus, ſecundum *k* Statuti formam, ſe citâſſe reſcribat: alioquin Citationi, quæ aliter facta appareat, fides nulla adhibeatur; cùm nec ſecundùm eam, contra eum, qui Citatus dicitur, ad pœnam aliquam procedatur.

—without whoſe Return, the Proceſs ſhall not go on.

k Statuti.] *Scil. Dicti Legati* Othonis, *ſuprà recitati.* J. de Athon.

A.D. 1281. 9 *Edw.* 1.

JOHANNES PECCHAM.

Decani Rurales jurabunt quotannis, nulli ſe Certificatorium daturos, niſi Citatione adverſæ Partis ritè ac debitè ſuo loco & tempore factâ.

Lyndw. Edit. Oxon. p. 81.

QUidam ruralium, & *infrà.* Statuimus, ut nulli tradatur *l* Certificatorium, vel aliàs concedatur ſub Sigillo alicujus *m* Decani ruralis conſignatum, niſi priùs in aliquo *n* die ſolenni *o* intra Miſſarum ſolennia, in *p* Eccleſiâ, ubi Citatus fovet larem, vel ampliùs converſatur, publicè *q* recitetur: hoc adjuncto moderamine, ut Citatus *r* ſufficientes habeat inducias, ut die & loco ſibi præfixis competenter valeat comparere; quòd ſi aliquo caſu tantùm tempus artet, quòd *s* dilationi locus non pateat, Citatione factâ, publicè coram Teſtibus detur Certificatorium in Eccleſia, vel in uno *t* loco publico coram Teſtibus fide dignis: ita quòd *u* dies Citationis & *w* locus in ipſo Certificatorio exprimantur. Et ſic nullo modo fiat Certificatorium ante Citationem factam. Et hoc jurent *x* Decani Rurales fideliter ſe facturos in Epiſcopali Synodo *y* omni Anno.

None ſhall make a Return, till the Citation hath been publiſhed,

—ſo as the Perſon Cited may have time enough to appear,

—and the day and place be expreſſed in the Return;

—which Rural Deans ſhall Swear to obſerve.

l Certificatorium.] *i. e. Litera reſponſiva directa Judici, ſuper Mandato, quod ab eo emanavit ad aliquem citandum.* ——*Continere debet tenorem Mandati, & formam, & modum Executionis per Mandatarium factæ; ita quòd forma Mandati diligenter ſervetur.* Lyndw.

Ibid. v. *Certific.* in *Eccleſiâ.*

m Decani Ruralis.] *Cujus officium eſt, in Cauſis Eccleſiaſticis citationes & tranſmiſſas exequi; & cujus Sigillum in talibus eſt authenticum.* Lyndw.

n Die ſolenni.] *i. e. Feſtivo; putà Die Dominico, vel alio ab Eccleſiâ ſolenniter celebrari indicto.* Lyndw.

o Intra Miſſarum.] *Scil. finito Offertorio, antequam Sacerdos incipiat Secretum Miſſæ.* Lyndw.

p Eccleſiâ.] *Vel Capellâ Parochiali.* Lyndw.

q Recitetur.] *Scil. certificatorium: Non enim intelligas, quòd citatio debeat ſic fieri, ſed ſolùm citationis Recitatio; ut per hoc conſtare poſſit, quòd Decanus apponens Sigillum non eſt in dolo vel fraude, ſigillando forſan fictum vel falſum certificatorium.* Lyndw.

r Sufficientes Inducias.] *Hæc Sufficientia æſtimari debet, quando tantum temporis ſupereſt, quòd à tempore citationis factæ citatus poſſit commodè accedere ad locum Judicii, die ſibi limitatâ & præfixâ; vel per Procuratorem ibi comparere. Aliàs enim, ſi citatio eſſet peremptoria, & Terminus nimis brevis, daret materiam appellandi.* Lyndw. *Habitâ dinumeratione 20 millium diurnorum per ſingulos dies computetur.*

Cauſ. 2. q. 6. c. 23.

s Dilationi.] *Pone Exemplum: Mandatarius forſan recipit Mandatum die Dominico poſt Miſſam, vel tali tempore, quòd, quoad Recitationem Certificatorii (de quâ loquitur hæc Conſtitutio) non poſſet fieri dicta Recitatio, niſi fieret in Dominicâ ſequente; quia interim non evenit dies ſolennis, vel ſi eveniret, tamen, expectando diem illum, non poſſet Judex Certificari die ad comparendum præfixo, propter brevitatem temporis medii inter tempus ſigillandi certificatorium, & diem quo debet comparere citatus.*

t Loco publico.] *Intellige, magis vicino, viz. mercato, nundinis, vel loco alio ubi eſt populi congregatio.* Lyndw.

u Dies Citationis.] *Hæc enim apponi præcipitur, ut poſſit apparere, an habeat tempus ſufficiens ad comparendum. Et etiam, ut ſi falſo modo certificetur, poſſit forſan probare, illo die ſe fuiſſe continuò abſentem à loco in quo certificatur fuiſſe citatus.* Lyndw.

w Locus.] *Scil. in quo dicitur fuiſſe citatus. Et nota, quòd Locus etiam apponi præcipitur, ut ceſſent fraudes, quæ aliàs, poſſent intervenire.* Lyndw.

x Decani Rurales.] *De his nominatim & ſpecialiter iſtud ordinatur, quia per eos potiùs quàm per alios qui habent Sigilla authentica, multæ fiebant Fraudes.* Lyndw.

y Omni anno.] *Hoc ideò dicit fortaſſis, quia quolibet anno mutantur Decani, & fiunt novi: aliàs poſtquam jurati eſſent, non oporteret hujuſmodi Juramentum requiri, niſi ſubeſſet cauſa ſuſpicionis.* Lyndw.

A.D. 1328. 3 *Edw.* 3.

SIMON MEPHAM.

In Conſt. *Item omnes illi.* Sub Tit. *De Judiciis.*

Lyndw. Edit. Oxon. p. 85.

—De fratrum noſtrorum & totius Concilii conſenſu & aſſenſu, Decrevimus, quemcunque Violatorem hujuſmodi, ſi perſonaliter inveniri, & tutè adiri valeat, perſonaliter fore vocandum: Si verò non inveniri, vel non tutè adiri valeat; tunc *z* in Domicilio, ſi quod habeat, quo tutè Citari poſſit. Si verò in Domicilio quod habet Citari tutè nequeat; tunc in Eccleſiâ Parochiali ipſius Domicilii: vel ſi nullum habeat, vel non conſtet eum habere Domicilium; tunc in Eccleſia Cathedrali loci quo immunitas Eccleſiæ dicitur eſſe læſa: & nihilominus in *zz* Eccleſia Parochiali ejuſdem loci, ſi tutè fieri poſſit, Citationem Decernimus fore faciendam; hujuſmodique Citationem in Domicilio vel in Eccleſiâ publicè (ut præmittitur) factam, Volumus, non ſolùm in caſibus ſupradictis, ſed etiam in omnibus caſibus Conſtitutionis Domini *Othoboni,* (quondam Apoſtolicæ Sedis Legati in *Angliâ,* quæ incipit, *ad Tutelam,*) ſic arctare Citatum, ac ſi eſſet per Citationem perſonaliter apprehenſus; ejuſdemque Citationis virtute contra eum poſſe procedi ad omnem effectum, ad quem poſſet, ſi Citatus perſonaliter extitiſſet. Præfatos etiam, & quoſcunque alios Eccleſiaſticæ libertatis ſeu immunitatis Violatores, decernimus *a* in loco delicti, etiam ſi ibidem non inveniantur, tam ex officio Judicis quam ad Partis inſtantiam, poſſe *b* conveniri.

In certain Caſes, they who cannot be Cited perſonally, nor have any Dwelling, may be Cited in the Pariſh Church or Cathedral;

—and whether found or not, they ſhall be proceeded againſt in the place of the Offence,

z In Domicilio.] *i. e. Ad Domicilium, vel ante Domicilium; quia Domum ad citandum ingredi non licet.* Lyndw.

Extra. l. 2. t. 14. c. 10.

zz Eccleſiâ.] *Si non poterit inveniri, faciant ut Citationis Edictum, per ipſos, vel alios apud Eccleſiam publicè proponatur.*

a In loco Delicti.] *i. e. Territorio Judicis, cujus eſt Juriſdictio in loco illo.* Lyndw.

b Conveniri.] *In quo caſu ſemper neceſſaria eſt Citatio; quæ, niſi in loco delicti delinquens inveniatur, non poteſt fieri per Judicem loci delicti, ſed oportet, quòd fiat in Juris ſubſidium per Judicem ſub quo degit, vel de ejus Mandato.* Lyndw.

—credit being given to the Perſon who was to make the Citation, —in which and all other Caſes, Judges ſhall aſſiſt one another.

Citations and Returns.

niri. Utrum autem hujuſmodi Violatores Eccleſiaſticæ libertatis ſeu immunitatis inveniri ſeu tutè adiri valeant, domiciliumve habeant, vel non; volumus, in dubio, ſtari Certificatorio illius, cui mandatur Citatio facienda. Et ut in præmiſſis caſibus & aliis injuriam paſſi juſtitiam debitam facilius aſſequantur, diſtricte, hoc approbante Concilio Provinciali, præcipimus, ut omnes Judices Ordinarii noſtræ *Cantuarienſis* Provinciæ ſe invicem ſine aliqua difficultate *c* juvent in *d* Citationibus & *e* Executionibus faciendis, ac quibuſcunque Mandatis licitis exequendis.

c Juvent.] *Ex iſtâ literâ videtur, quòd ubi Judex Loci, in quo commiſſum eſt Delictum, petit Delinquentem citari vel remitti ad locum delicti; tunc Judex Loci ubi Delinquens moratur*, tenetur ex neceſſitate *hoc facere*. Lyndw.

d Citationibus.] *Ubi, ſcilicet, Citatio facta per Judicem Loci ubi reus convenitur; aliàs non haberet locum ſive efficaciam, niſi fiat per Judicem ubi Reus moratur, vel de ejus Mandato.* Lyndw.

e Executionibus.] *Tam concernentibus contumaciam fortaſſis ipſius Citati, quàm alia Decreta ipſius Judicis cognoſcentis. Judex namq; qui cognoſcit, poteſt decernere & pronunciare; ſed Executio fiet per Judicem ubi conventus degit, in multis caſibus.* Lyndw.

JOHANNES STRATFORD.

A.D.1281. 9 *Edw.* 1.

Citationes primariæ pro correctione fieri ſolitæ, non per ordinarios Confeſſores potiſſimùm, ſed per Officiales, Decanos, Apparitores, alioſve, deinceps fiant.

Primary Citations, in cauſes of Correction, ſhall not be made by Incumbents,

Lyndw. Edit. Oxon. p. 90.

Excuſſis, & *infrà*. Quia Epiſcopi & Archidiaconi, eorum Officiales, & alii *f* Ordinarii, eorumque Commiſſarii, Citationes *g* primarias pro correctionibus delinquentium fieri per Rectores, Vicarios, ſeu Parochiales Sacerdotes demandant; ipſis frequenter imponitur quòd ſuper his, quibus fit Citatio, confeſſiones Citatorum occultas in foro animæ eis factas perversè revelant: Quapropter in ipſos ſcandalizantur turpiter, & illis extunc Parochiani peccata renuunt confiteri: Statuimus, quòd hujuſmodi Citationes primariæ dictorum Ordinariorum fiendæ auctoritate, per Rectores, aut alios prædictos, de cætero non mandentur, ſed fiant per Officiales, *h* Decanos, Apparitores, aut Miniſtros alios eorundem. Si verò hujuſmodi Citationes primariæ Rectoribus, Vicariis, aut Preſbyteris demandentur, ipſis ſuper his parere minimè teneantur; ſed Citationes ipſæ primariæ factæ per eos, ac exinde ſubſecutæ Cenſuræ vel Proceſſus, ſint ipſo jure irriti & inanes.

—but by the Officers of the Court.

f Ordinarii.] *Utputà tales qui eliguntur ab Univerſitate vel Collegio.* Lyndw.

g Primarias.] *i. e. Primâ vice emanantes.* Lyndw.

h Decanos.] *Hi ſunt Miniſtri tam Epiſcoporum, quàm Archidiaconorum; non tamen aliorum Ordinariorum.* Lynd.

23 Henr. VIII. Cap. 9.

A.D.1531.

The Bill of Citations.

The Grievance of citing into the Arches, &c. at any time out of any Dioceſe,

Where great number of the King's Subjects, as well Wives, Servants, as other the Kings Subjects, dwelling *i* in divers Dioceſes of this Realm of England, and of Wales, heretofore have been at any times called by Citations, and other Proceſſes compulſary, to appear in *k* the Arches, *l* Audience or other High

i **In divers Dioceſes.**] By the ancient Laws of the Church, the Metropolitan was forbidden to exerciſe Judicial Authority in the Dioceſe of a Comprovincial Biſhop, unleſs in caſe of Appeal or Vacancy: *Nullus Primas, vel Metropolitanus,* Diœceſani *Eccleſiam, vel Parochiam, aut aliquem de ejus Parochiâ præſumat* Excommunicare, *vel* Judicare, *vel aliquid agere abſque ejus conſilio vel judicio.* And, in a like caſe, it is added in the next Chapter, *Niſi fortè pro cauſis, quæ apud ſe terminare non poſſunt, ad te quaſi ad* Patriarcham *ſuum provocaverint; vel, ſi Epiſcopus ſuus deceſſerit, res Eccleſiæ ſuæ judicio tuo diſpenſare voluerint.* And therefore, when Archbiſhop *Pecchan* excommunicated the Biſhop of *Hereford* for reſiſting this concurrent Power, and affirming againſt the Archbiſhop, *non poſſe in Subditos ſuos, ipſo omiſſo, Juriſdictionem aliquam exercere, nec de cauſis Subditorum ſuorum ullo modo cognoſcere per Querelam*; the Archbiſhop defends his Claim, not upon the common Right of a Metropolitan, but upon the Peculiar Privilege of the Church of *Canterbury* —— *Cùm Eccleſia Cant. tali gaudeat Privilegio in corpore jur' redacto, quòd Archiepiſcopus qui pro tempore fuerit, cauſas* Subditorum Suffraganeorum *ſuorum, etiam per* Simplicem Querelam *audire poſſit & debeat.* —— Which Privilege probably ſprung from the Archbiſhops of *Canterbury* being *Legati nati* to the Pope. †

Cauſ. 9. q. 3. c. 7.

Ibid. c. 8.

Reg. *Pecch.* f. 145, a. 148, a.

Co. Sel. Caſ. p. 8.
2 *Brownl.* p. 3.
† Vid. infr. Can. 94.

k **The Arches.**] The Perſon who adminiſters Juſtice under this Style, is, the **Official Principal** of the Archbiſhop, who was called *Officialis de arcubus*, and the Court itſelf, *Curia de Arcubus*, from its being anciently held *in Eccleſia B. Mariæ de Arcubus*, or *Bow Church*; by reaſon of the Archbiſhop's having *Ordinary Juriſdiction* in that place, as the chief of his Peculiars in *London*, and the Church where the Dean of thoſe Peculiars (commonly called the Dean of the *Arches*) holds his Courts. And becauſe theſe two Courts were held in the ſame place, and the Dean of the Arches was uſually ſubſtituted in the Abſence of the Official, while the Offices remained in two Perſons, and the Offices themſelves have in many inſtances been united in one and the ſame Perſon, as they now remain; by theſe means a falſe Notion hath obtained, That it is *the Dean of the Arches*, as ſuch, who hath Juriſdiction throughout the Province of *Canterbury*; whereas, the Juriſdiction of that Office is limited to the *thirteen* Peculiars of the Archbiſhop in the City of *London*; and the Juriſdiction throughout the Province, for receiving of Appeals, &c. belongs to him only as **Official Principal**.

In like manner, the Right of Juriſdiction in every Dioceſe of the Province, during the Vacancies of the Sees, tho' veſted by Patent in the ſame Perſon, belongs not to him as *Dean of the Arches*, but as **Vicar-General** of the Archbiſhop.

The ſaid Court of the *Official of the Arches*, is ſtiled by Archbiſhop *Pecchan*, *conſiſtorium noſtrum in Eccleſiâ* B. Mariæ *de Arcubus London' exiſtens*: to which he there adds, *Quòd*

Reg. *Pecch.* f. 206, a.

Citations and Returns.

Courts of the Archbiſhops of this Realm, *m* far from, and out of the Dioceſe where ſuch men, wives, ſervants, and other the King's Subjects been inhabiting and dwelling, and many times to anſwer to ſurmiſed and feigned cauſes and ſuits of defamation, withholding of Tythes, and ſuch other like cauſes and matters, which have been ſued more for malice, and for vexation, than for any juſt cauſe of ſuit:

—and of being Excommunicated, &c. for non appearance,

II. And where certificate hath been made by the ſummoner, apparitor, or any ſuch light literate perſon, that the party againſt whom any ſuch citation hath been awarded, hath been cited or ſummoned, and thereupon the ſame party ſo certified to be cited or ſummoned, hath not appeared according to the certificate, the ſame party therefore hath been excommunicated, or at the leaſt ſuſpended from all divine ſervice: and thereupon, before he or ſhe could be abſolved, hath been compelled not only to pay the fees of the Court whereunto he or ſhe was ſo called by citation or other proceſs, amounting to the ſum of ij. s. or xx. d. at the leaſt: but alſo to pay to the Summoner, Apparitor, or other light literate perſon, by whom he or ſhe was ſo certified to be ſummoned, for every mile being diſtant from the place where he or ſhe then dwelled, unto the ſame Court whereunto he or ſhe was ſo cited or ſummoned to appear, ij. d. to the great occaſion of the impoveriſhment of the King's Subjects, and to the great occaſion of misbehaviour and miſliving of Wives, Women and Servants, and to the great impairment aud diminution of their good names

—and of paying great Fees to the Court, and to the Apparitor.

Quòd quâdam peculiari affectione eò magis diligimus, quòd Comprovinciales *Cantuarienſis Eccleſiæ, potentiis Præſidentium frequenter oppreſſi, ad illud tanquam ad fontem* Juſtitiæ, *undique confugiunt, ut indè hauriant congruam contra ſuas moleſtias medicinam.*

l **Audience.**] This Court was held, by Authority of the Archbiſhop, in the Conſiſtory Court within the Cathedral of St. *Paul*, by a Judge, whoſe Style was, *Curiæ Audientiæ Cantuarienſis cauſarum & Negotiorum Auditor*, and who had the ſelf ſame Juriſdiction with the Official of the Arches; But it is to be noted, that this Court was anciently held before the Archbiſhop in perſon, with *Auditors*, by way of Aſſiſtants only; as is plainly imply'd by Archbiſhop *Winchelſea*, where he ſpeaks of a certain Cauſe, *quæ* coram Nobis, *& Generalibus cauſarum curiæ noſtræ Auditoribus, vertebatur*; and, in Archbiſhop *Chichley*'s time, we find a Commiſſion *ad procedend' in cauſis Audientiæ, abſente Domino* [Archiepiſcopo] *in tranſmarinis.*

Reg. *Winch.* 244, a.

Reg. *Chich.* 284, a.

Two Things more are clear from our ancient Records: 1. That in any Cauſe depending before the Official, or Dean of the Arches, an † *Appeal* lay to the Archbiſhop, in his Court of Audience. 2. That the Archbiſhop might at pleaſure ‡ *Revoke* any Cauſe ſo depending, to be heard before himſelf, in his ſaid Court.

† Reg. *Winch.* 239, a, b.
2 Arund. 133, a.
‡ Winch. 24, a. 256, a. 293, 294, b.
Reyn. 112, a.
Ill. 81, a.
Lyndw. de Accuſ. c. *Sint in.* v. *Vel ejus.* p. 277.

The words of *Lyndwood* upon this head, are remarkable: *In quantum Archiepiſcopus eſt Legatus Natus, non convenit ut ejus Poteſtas in hoc ſeparetur ab his quæ ad ipſum ſpectant jure Metropolitico; maximè cùm utraque Poteſtas ſimul & ſemel ei accreſcat, adeptâ dignitate Archiepiſcopali.* —— *Nec reperies in toto corpore Juris Canonici in aliquo textu mentionem factam de Auditore cauſarum Curiæ alicujus Archiepiſcopi; ſed quòd poſt ipſum Archiepiſcopum, quarumcunque cauſarum in Foro ſuo judiciali, cognitio, examinatio, & terminatio, pertinere debent ad ejus officialem Generalem. Fateor tamen, quòd licèt hoc conveniens & juri conſonum ſit, ut ſcilicet Officialis Archiepiſcopi Legati Nati exerceat & ſuppleat vices ipſius Archiepiſcopi, in his quæ generaliter ipſius Forum juriſdictionale concernunt, ſicut & alii Officiales Suffraganeorum ſuorum conſimiliter faciant in his quæ generaliter ad ipſorum forum pertinent; debet tamen hujuſmodi Officialis, in reſcribendo ad Appellationes vel Querelas, uno modo vel alio interpoſitas ſecundùm earum qualitatem reſcribere; ut ſcil. in his quæ ſpectant ad Archiepiſcopum jure Legationis, aliquid in reſcripto inſeratur, per quod ſciri poſſit, quòd reſcribens aliter fundat Juriſdictionem in illo Caſu quàm in alio, quando ſcilicet ſcribit Jure Metropolitico.*

Str. *Cranm.* p. 39. & app. p. 28.

Five years after the making of this Act, it was alledged againſt the Court of Audience, That *no Archbiſhop within* Chriſtendom *hath, nor ever had, any Authority to keep any ſuch Court, by reaſon of the* Archibſhoprick; *but only* Legates *of the See of* Rome: That the Authority of the Pope being aboliſhed, the Power derived to his Legates was aboliſhed of courſe: That the Archbiſhop ought not to deſire the Continuance of this Court, as *keeping a Court at the* Arches, *ſufficiently authorized to hear and to determine all cauſes and complaints appertaining to a* Metropolitan.

Grind. 155, b. 257, b. 115, a.

However, the King commanded the Archbiſhop to *continue* his Court; and accordingly, it was continued; as we find by ſeveral Succeſſions of Judges of the Audience, conſtituted by Patent, *after* the Reformation. But the Court of Arches having the ſame Authority, this of the Audience, (or at leaſt the Appointment of particular Judges or Auditors for the Adminiſtration of Juſtice therein) hath been long diſuſed. For, as to what my Lord *Coke* ſays, of Confirmations of Biſhops, Admiſſions, Inſtitutions, Diſpenſations, and the like, as if theſe were tranſacted in the *Audience* of the Archbiſhop; all that ſeems to be foreign to the purpoſe, and to have no relation to the *Court of Audience*, as ſuch.

Whitg. 199.

4 Inſt. 337.

m **Far from, and out of the Dioceſe.**] By reaſon of this Expreſſion in the Preamble, it was doubted, 6 *Jac.* I. whether the Archbiſhop was not at liberty (notwithſtanding this Act) to Cite the Inhabitants of *London*, and other neighbouring places of the ſame Dioceſe, into his Court of Arches; which would be no more a Grievance to the Subject, than the being cited into the Conſiſtory of *London*; and could not properly be called a Citing *out of* the Dioceſe, ſince the Court of Arches is held *within* the Dioceſe of *London*. But all the Juſtices of the Court of Common Pleas held, That the Archbiſhop is reſtrained by this Act from Citing any Inhabitants of *London*, beſides his own Peculiars; becauſe the excuſing the Subject from Travel and Charges, was not the only Benefit intended by it, but alſo the Benefit of *Appeals*; and by *Dioceſe*, in this Statute, was underſtood, *Juriſdiction*; and, as to the Language of the Preamble, that the Enacting parts of Statutes are in many caſes of *larger Extent*, than their Preambles are.

Co. Sel. Caſ. p. 4.

In the next Reign, 9 *Car.* I. in *Gobbet*'s Caſe, the like point came under Conſideration again, and, Prohibition to the Arches being prayed, the Determination was as follows: "*Jones* ſaid, that he was informed by Dr. *Duck*, Chan-"cellor of *London*, That there hath been for long time a "Compoſition between the Biſhop of *London* and the Arch-"biſhop of *Canterbury*, That if any Suit be begun before "the Archbiſhop, it ſhall always be permitted by the Bi-"ſhop of *London*: So as it is *quaſi* a general Licence, and "ſo not ſued there, but with the Biſhop's Aſſent; and for "that reaſon the Archbiſhop never makes any Viſitation in "*London* Dioceſe." And hereupon the Prohibition was denied.

3 Cro. 339.

But in the Caſe of *Ford* and *Weldon* (15, 16 *Car.* II.) when the ſame Compoſition was urged in the Court of King's Bench, againſt a Prohibition to the Arches; the Court was divided: *Hide* Chief Juſtice and *Windham*, againſt the Prohibition; and *Twiſden* and *Keyling* for it. Againſt the Prohibition it was ſaid, That the Arches is *within* the Dioceſe of *London*, and that the Compoſition amounts to a *Licence*; and for the Prohibition, That *London* is not within the *Juriſdiction* of the Arches, and that the Compoſition is taken away by the Statute; inaſmuch as no Agreement between *Ordinaries* can prejudice the *People*, for whoſe Benefit the Statute was made.

Raym. 92.
1 Keb. 651.

Where two are Executors, and one lives in the Dioceſe of *London*, and the other in one of the Peculiars of the Arches; the Suit againſt them, as Executors, ſhall be in the Arches.

1 Rolle. 328.

Citations and Returns.

No Perſon ſhall be cited to appear in any Court, out of his own Dioceſe,

and honeſties: Be it therefore enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That no manner perſon ſhall be from henceforth *n* cited, ſummoned, or otherwiſe *nn* called to appear by himſelf or herſelf, or by any procurator, before any Ordinary, Archdeacon, Commiſſary, Official, or any other Judge Spiritual, *o* out of the Dioceſs or *p* peculiar juriſdiction where the perſon which ſhall be cited, ſummoned, or otherwiſe (as is aboveſaid) called, ſhall be *q* inhabiting and dwelling, at the time of awarding, or going forth of the ſame citation or ſummons:
Except,
qq except that it ſhall be for, in, or upon any of the caſes or cauſes hereafter written: that is to ſay, for any ſpiritual offence or cauſe
—the Judge be an Offender,
committed or done, or omitted, followed or neglected to be done contrary to right or duty by *qqq* the Biſhop, Archdeacon, Commiſſary, Official, or other perſons having ſpiritual juriſdiction, or being a ſpiritual Judge, or by any other perſon or perſons within the Dioceſs, or other juriſdiction, whereunto he or ſhe ſhall be cited, or otherwiſe lawfully called to appear and anſwer:

—or the Cauſe come by Appeal,

III. And except alſo it ſhall be by or upon matter or cauſe of Appeal, or for other lawful cauſe, wherein any party ſhall find himſelf or herſelf grieved or wronged by the Ordinary, Judge or Judges of the Dioceſs or Juriſdiction, or by any of his ſubſtitutes, officers or miniſters, after the matter or cauſe there firſt commenced and begun to be ſhewed unto the Archbiſhop or Biſhop, or any other having peculiar ju-
—or the immediate Judge dare not, or will not, Cite,
riſdiction, within whoſe Province the Dioceſs or place peculiar is: or in caſe that the Biſhop or other immediate Judge or Ordinary dare not, nor *r* will not convent

Hetl. 19.
1 Ventr. 61.

n **Cited.**] But if a Man is Cited out of his Dioceſe, and appears, and Sentence is given, or if he ſubmits himſelf to the Suit, he ſhall have no Benefit by this Statute, nor will a Prohibition be granted.

Carth. 33.

nn **Called to appear.**] Ann. 1 *W.* & *M.* After Sentence given in the Spiritual Court, a Prohibition was moved for, upon Suggeſtion that the Perſon was cited out of his proper Dioceſe. But the Prohibition was denied, becauſe by *pleading* to the Libel, he had admitted the Juriſdiction of the Court. And the Statute doth not take away the Juriſdiction of all matters ariſing out of the Dioceſe, but only gives him who lives out of the Dioceſe a new Privilege of *pleading* to the Juriſdiction; which benefit of pleading, if neglected, and the Party ſuffers a Sentence to be given againſt him there, will not ſerve him for a Prohibition afterwards to that Court, whoſe Juriſdiction he hath already admitted.

o **Out of the Dioceſe.**] And that, as it ſeems, whether the See be full, or vacant: For, *ann.* 13 or 14 *Jac.* I. in the Caſe of one *Pickover*, it was reſolved, upon this Statute, That if a Biſhoprick within the Province of *Canterbury*, be void, and ſo the Juriſdiction be devolved to the Metropolitan, he muſt hold his Court within the Inferior Dioceſe, for ſuch Cauſes as were by that Law to be holden before the inferiour Ordinary: and the Prothonotaries ſaid,
2 Brownl. 35.
it had been ſo formerly reſolved. But, a little before this (11 *Jac.* I.) the quite contrary was reſolved; *i. e.* where one was cited out of his Dioceſe before the Archbiſhop of *Canterbury* as *Guardian of the Spiritualties*, not only Prohibition was denied, but it was further ſaid, that if he had been cited before him as *Metropolitan*, it would have been granted upon this Statute.

3 Cro. 162.

p **Peculiar Juriſdiction.**] *Viz.* Whether they be Cited out of ſuch Peculiar to the *Arches*, or before the *Ordinary*, within whoſe Dioceſe the Peculiar doth lie. And
1 Rolle, 329.
Coke ſaid, That if a Man be ſued out of his Dioceſe, yet if he be ſued within his own proper Peculiar, he is not within this Statute.

2 Brownl. 12.

q **Inhabiting**] *Anno* 8 *Jac.* I. an Attorney in the King's Bench was ſued in the Arches for a Legacy; and, for that he *inhabited* in the Dioceſe of *Peterborough*, Prohibition was prayed and granted; becauſe tho' he remained here in *Term Time*, he was properly *Inhabiting* within the Juriſdiction of the Biſhop of *Peterborough*.

Hardr. 421.

But in 17 *Car.* II. when one was Cited into the Archdeacon of *Canterbury*'s Court, for not coming to Church at *Biddenden* in the County of *Kent*, and pleaded that he was an Inhabitant in the Dioceſe of *Chicheſter*, the Court declared, That if a Man be Cited within the Dioceſe, tho' he be not an Inhabitant there, but only comes there to trade, or otherwiſe, yet this is not within the Statute; and that if it were otherwiſe, there might be Offences committed againſt the *Eccleſiaſtical Law*, which could not be puniſhed at all: for Men would offend in one County, and then remove into another, and ſo eſcape with Impunity.

1 Lev. 69.

But when the Suit was for Tythes in the Dioceſe of *Sarum*, where they lay, and Prohibition was obtained upon this Statute, becauſe the Defendant *Inhabited* in *London*; the Court, upon notice that the Suit was for Tythes, granted a Conſultation, and declared that that Caſe was not
2 Brown. 27.
within the Statute; (tho' the contrary ſeeems to have been agreed 9 *Jac.* I. in the Caſe of *Jones* and *Boyer*.)

2 Salk. p. 549.
1 Raymond, v. 1. p. 534.

In like manner (11 *W.* 3. *Machin* ver. *Maultin*) where the Plantiff lived in *Nottingham* within the Province of *York*, and there ſubtracted Tythes, and then removed into *Lincolnſhire* within the Province of *Canterbury*; and, happening to go to *York*, he was ſued there for the ſubtraction aforeſaid, and had a Prohibition on this Statute; at laſt, after debate, a Conſultation was awarded, for that the ſubtraction of Tythes is *local*, and muſt be ſued before the Ordinary of the place where the wrong was done; otherwiſe, in caſes tranſitory, *ubi forum ſequitur reum.* And it was argued by the Counſel, that this is not a citing out of his Dioceſe within the Statute, becauſe the Dioceſe where he lives has not a Juriſdiction; and if he might not be cited in this caſe, the thing would be remedileſs and diſpuniſhable.

Skinner, p. 233.

In the caſe of *Cloſe* and *Waterſon*, where the Cauſe aroſe within a Peculiar of the Dean and Chapter of *York*, and the Party lived within the Dioceſe of *Cheſter*, and had therefore obtained a Rule for a Prohibition; a Rule was made to diſcharge the Cauſe of Action, for this reaſon as it ſeems, becauſe (as it is there expreſſed) it is more natural the perſon ſhould follow the Cauſe of Action, than the Cauſe the Perſon.

Extra. l. 5. t. 31. c. 8. v. *Attentare.*

qq **Except.**] *Archiepiſcopus non eſt Judex Ordinarius totius Provinciæ: Archiepiſcopus enim omnium Epiſcoporum ſuæ Diæceſis eſt Ordinarius, ſed non Subditorum, niſi in caſibus &c.*

1 Salk. 134.

qqq **The Biſhop.**] The Right of the Archbiſhop to Cite, puniſh, and deprive Biſhops, for Spiritual Offences, was fully ſettled both by the Court of King's Bench, and by the Houſe of Lords, in the caſe of the Biſhop of S. *David*'s. But it may not be improper to take notice, that according to the Senſe of the Canon Law, it is not regular to ſubject Suffragans to the Cenſure of the *Officers* of an Arch-
6 Decretal. l. 1. t. 16. c. 1.
biſhop: *Officiales autem Remenſis Archiepiſcopi (quamdiu in ſua provincia, vel circa illam extiterit) in Suffraganeos interdicti, ſuſpenſionis, vel excommunicationis proferre ſententias non attentent. Et hoc idem ab Officialibus aliorum Metropolitanorum, circa ipſorum Suffraganeos (quibus ob reverentiam Pontificalis officii deferri volumus in hac parte) præ-*
Cranm. 138, 139.
cipimus obſervari. And accordingly, *Nix* Biſhop of *Norwich* proteſted againſt the Proceedings of the Archbiſhop's Commiſſary in his Metropolitical Viſitation; becauſe it was againſt the Dignity of a Biſhop to be judged or proceeded againſt by a Commiſſary.

1 Park. 395, b.
2 Park. 74, a. 98, b. 105, b.

r **Will not.**] In *Parker*'s Regiſter, we find the Archbiſhop to have put Benefices in another Dioceſe under Sequeſtration, *propter negligentiam Ordinarii*; but this is an act only of *Voluntary* Juriſdiction. And before the Reformation,

Citations and Returns.

the party to be ſued before him: or in caſe that the Biſhop of the Dioceſs, or the Judge of the place, within whoſe juriſdiction, or before whom the ſuit by this Act ſhall be commenced and proſecuted, *rr* be party directly or indirectly to the matter or cauſe of the ſame ſuit: or in caſe that any Biſhop or any Inferior Judge, having under him Juriſdiction in his own right and Title, or by commiſſion, *s* make requeſt or inſtance to the Archbiſhop or Biſhop, or other ſuperior Ordinary or Judge, to take, treat, examine or determine the matter before him or his ſubſtitutes, and that to be done *t* in caſes only where the Law civil or canon doth affirm execution of ſuch requeſt, or inſtance of juriſdiction, to be lawful or tolerable; upon pain of forfeiture to every perſon by any Ordinary, Commiſſary, Official or Subſtitute, by virtue of his Office, or at the ſuit of any perſon to be cited or otherwiſe ſummoned or called, contrary to this Act, of double damages and coſts for the vexation in that behalf ſuſtained; to be recovered againſt any ſuch Ordinary, Commiſſary, Archdeacon, Official, or other Judge as ſhall award or make proceſs, or otherwiſe, attempt or procure to do any thing contrary to this Act, by Action of Debt, or Action upon the Caſe, according to the Courſe of the Common-Law of this Realm in any of the King's High Courts, or in any other competent Temporal Courts of Record, by original Writ of Debt, Bill or Plaint: In which Action, no Protection other than ſuch as ſhall be made under the King's Great Seal, and Signed with his Sign Manual, ſhall be allowed, neither any Wager of Law nor Eſſoin ſhall be admitted: And upon pain of forfeiture for every perſon ſo Summoned, Cited or otherwiſe called (as is aboveſaid) to anſwer before any Spiritual Judge out of the Dioceſs, or other Juriſdiction where the ſaid perſon ſo dwelleth or is reſident or abiding, x. li. ſterling. The one half thereof to be to the King our Soveraign Lord, aud the other half to any perſon that will ſue for the ſame in any of the King's ſaid Courts, or in any other the ſaid Temporal Courts, by Writ, Information, Bill or Plaint. In which Action no Protection ſhall be allowed, nor Wager of Law or Eſſoin ſhall be admitted.

—or the Biſhop, or Judge, be Party,

—or, at the requeſt of the inferior Judge,

—where ſuch Requeſt is lawful.

Any Judge offending againſt this Act, ſhall forfeit double damages, and coſts,

—and alſo. 10 *l.*

IV. Provided always, That it ſhall be lawful to every Archbiſhop of this Realm to Call, Cite or Summon any perſon or perſons inhabiting or dwelling in any Biſhops Dioceſs within his Province, for Cauſes of *tt* Hereſy, if the Biſhop or other Ordinary immediate thereunto Conſent, or if that the ſame Biſhop or other immediate Ordinary or Judge do not his Duty in Puniſhment of the ſame.

Archbiſhop may Cite out of any Dioceſs, for Hereſy,

—the Ordinary conſenting, or neglecting.

V. Provided alſo, That this Act ſhall not extend in any wiſe to the Prerogative of the moſt Reverend Father in God, the Archbiſhop of Canterbury, or any of his Succeſſors, of, or for calling any perſon or perſons out of the Dioceſs where he or they be inhabiting, dwelling or reſident, *u* for Probate of any Teſtament or Teſtaments; any thing in this Act contained to the contrary notwithſtanding.

This Act ſhall not extend to the Prerogative of *Canterbury*.

Staff. 7, b. 25, b. Adam. Wint. 38, a, b. 43, b.

mation, we find the Archbiſhop requiring Biſhops to proceed againſt particular *irregular Perſons* in their Dioceſes, or ſhew cauſe why himſelf ſhould not proceed.

1 Rolle, 11.

rr **Be Party.**] In this Caſe, the Cauſe being *begun* before the Archbiſhop, tho' the Biſhop or other Judge die while it is depending, and ſo the *occaſion* ceaſes upon which it was firſt brought before the Archbiſhop: yet, he being in poſſeſſion of it, it ſhall not be *removed*; as was adjudged 15 *Jac.* I. in the Caſe of the Biſhop of *Carlile*.

1 Lev. 225.

s **Make Requeſt.**] *Ann.* 19 *Car.* II. in the caſe of *Bolton* and *Bolton*, Prohibition was prayed to the Arches, for Citing out of the Dioceſe of *Worceſter*; and day given to ſhew Cauſe. At the day, the Plaintiff in the Arches ſhewed Letters of *Requeſt* from the Biſhop of *Worceſter*; to which it was objected, That that ought not to come in upon *motion*, but ought to be *pleaded*; for the Statute ſays, They ſhall only be admitted *where the Civil or Canon Law doth allow*; and therefore it is a matter proper to be argued, that the Court may be informed by Civilians, whether the Law allows it, or not, in the preſent Caſe. But Prohibition was denied, in the King's Bench, and in the Exchequer; in both which Courts, it was held ſufficient to exhibit the Letters of Requeſt upon *motion*, without putting the Party to plead. Alſo it hath been ruled, upon this Statute, That the Archdeacon cannot ſend a Cauſe depending before him, *immediately* into the Arches; for he hath no power to *give* a Court, but to *remit* his own Court, and to leave it to the next. For ſince his Power was derived from the Biſhop, to whom he is *Subordinate*, he muſt yield it to *him*, of whom he received it.

Hob. 185. 2 Brownl. 27.

t **In caſes only.**] It was held by the Civilians, *temp. Jac.* I. in the caſe of *Jones* againſt *Jones*, that it was abſolutely in the Power of the Ordinary, to ſend any Cauſe to the Archbiſhop at his Will, without aſſigning any ſpecial Reaſon; for which they cited the Authority of divers Canoniſts. But *Hobart* (and as it ſeems the Court) ſaid, That to expound the Statute thus, *viz.* That the Ordinary may, at his *will and pleaſure*, ſend the Subject from one end of the Kingdom to another without Cauſe, was both againſt the *Letter* of the Statute, and did utterly elude it: That the Purpoſe of the Law, was, to provide for the Eaſe of the Subject, more than for the Juriſdiction of the Ordinary; which appears, in that there is Action given to the Subject, and Penalty to the King, for the Vexation, but none to the Ordinary; and, That this very Clauſe ſays, it is to be done *in Caſes only*, &c. which would be a vain Reſtriction, if it left it as *general* as before, i. e. if it were lawful or tolerable in all caſes, without cauſe.

Ref. Leg. f. 96, a.

The Rule intended in the *Reformatio Legum*, was: *Archiepiſcopus poteſt eligi in Judicem à* Subditis *Suffraganeorum, licèt* Suffraganei *ignorent*.

Comyns, p. 199.

tt **Hereſy.**] In the caſe of *Pelling* and *Whiſton*, which was a Cauſe of Hereſy, Dr *Pelling* appealed to the Delegates from a refuſal on the part of the Dean of the Arches, to *Cite* Mr *Whiſton* before him, upon Letters of Requeſt from Dr *Harwood*, Commiſſary of the Exempt and Peculiar Juriſdiction of the Dean and Chapter of St. *Paul*'s. The ground of the Dean's refuſal, was, that Letters of Requeſt from Dr *Harwood* did not lie before him, becauſe in a caſe of *Hereſy* the Biſhop of the Dioceſe hath Juriſdiction in places otherwiſe Exempt within his Dioceſe; and that, notwithſtanding the Statute of Citation, an *Heretick* may be cited to appear before him upon Letters of Requeſt from the Judge of the Peculiar, or by Proceſs *ſub mutuæ*, &c. But the Delegates reſolved, that the Appeal from the Dean's refuſal, was proper; becauſe Dr *Harwood* had a *Juriſdiction* in the Cauſe; and the Biſhop of the Dioceſe had no Juriſdiction in this caſe, and is reſtrained, by this Statute, from citing out of the Peculiar; *Hereſy* being none of the five caſes, in which a perſon may be cited out of the Dioceſe or Peculiar Juriſdiction, within which he dwells.

Godb. 214.

u **For Probate.**] In *Hughes*'s Caſe, 11 *Jac.* I. where

No more than 3 *d.* ſhall be paid for the Seal of the Citation.

VI. And be it further enacted by Authority aforeſaid, That no Archbiſhop nor Biſhop, Ordinary, Official, Commiſſary, or any other Subſtitute or Miniſter of any of the ſaid Archbiſhops, Biſhops, Archdeacons, or other having ſpiritual Juriſdiction, at any time from the Feaſt of Eaſter next coming, ſhall aſk, demand, take or receive of any of the King's Subjects, any Sum or Sums of Money for the Seal of any Citation, after the ſaid Feaſt to be awarded or obtained, than only iij. pence ſterling, upon the pains and penalties before limited, contained and expreſſed in this preſent Act, to be in like form recovered as aforeſaid.

This Act ſhall not be prejudicial to the Prerogative of *York*.

VII. Provided always, That this Act be not in any wiſe hurtful or prejudicial to the Archbiſhop of York, nor to his Succeſſors, of, for, or concerning Probate of Teſtaments within his Province and Juriſdiction, by reaſon of any Prerogative; Any thing in this Act to the contrary notwithſtanding.

one who dwelt in *Somerſetſhire* had made his Will, and his Executors were libelled againſt in the Arches; it was ſaid by Juſtice *Warburton* to have been agreed by all the Juſtices, That the Exception in this Statute doth only extend to *Probate of Wills*; and Prohibition was awarded.

But in 24 and 25 *Car.* II. where one was Cited out of the Dioceſe, to anſwer a Suit for a Legacy, into the *Prerogative* where the Will had been proved, Prohibition was denied; becauſe, *there* the Executor muſt give Account, and be diſcharged, *&c.* 1 Ventr. 233.

1, 2 Phil. & Mar. Cap. 8. A.D. 1554.

In an Act, Entituled, *An Act Repealing all Articles and Proviſions made againſt the See Apoſtolick.*

Repeal of the foregoing Act.

—V. And where alſo at the Seſſion of the ſame Parliament holden upon Prorogation in the three and twentieth year of the Reign of the ſaid late King Henry the eight, one Act intituled The Act that no perſon ſhall be Cited out of the Dioceſe where he or ſhe dwelleth, except in certain Caſes: ---- the ſaid Act, ſhall be by authority of this preſent Parliament from henceforth utterly void, made fruſtrate, and repealed. ----

1 Eliz. Cap. 1. A.D. 1558.

In an Act, Entituled, *An Act to reſtore to the Crown the antient Juriſdiction over the Eſtate Eccleſiaſtical*, &c.

Reviver of the foregoing Act, 23 *H.* 8. c. 9.

—III. And that alſo for the reviving of divers of the ſaid good Laws and Statutes made in the time of your ſaid dear Father: It may alſo pleaſe your Highneſs, that one Act and Statute made in the three and twentieth year of the Reign of the ſaid late King Henry the Eight, Intituled, An Act that no perſon ſhall be Cited out of the Dioceſs where he or ſhe dwelleth, except in certain Caſes. —— be revived, and ſtand and be in full force and ſtrength, to all intents, conſtructions and purpoſes.

CANONS 1603. 1 Jac. 1.

xciv. *None to be Cited into the Arches or Audience, but Dwellers within the Archbiſhop's Dioceſs or Peculiars.*

None ſhall be cited originally into the Arches, out of another Dioceſe, without leave of the Dioceſan,

NO Dean of the Arches, nor Official of the Archbiſhop's Conſiſtory, nor any Judge of the *uu* Audience, ſhall henceforward in his own Name, or in the Name of the Archbiſhop, either *ex officio*, or at the Inſtance of any Party, originally Cite, Summon, or any way compel, or procure to be Cited, Summoned, or Compelled, any Perſon which dwelleth not within the particular Dioceſs or Peculiar of the ſaid Archbiſhop, to appear before him or any of them, for any cauſe or matter whatſoever belonging to Eccleſiaſtical Cognizance, without the Licence of the Dioceſan firſt had and obtained in that behalf, other than in ſuch particular Caſes only as are expreſly excepted and reſerved in and by a Statute *Ann.* 23 *H.* 8. *Cap.* 9. And if any of the ſaid Judges ſhall offend herein, he ſhall for every ſuch Offence be Suſpended from the exerciſe of his Office, for the ſpace of three whole Months.

—except in caſes reſerved in Stat. 23 *H.* 8. c. 9.
—and any Judge, offending ſhall be Suſpended three months.

Extra. l. 1. t. 30 c. 1. Vid. Supr. 23 *H.* 8. c. 9.

uu **Audience.**] As Legate of the Pope, he had a right to Cite perſons out of any Dioceſe, before him, without Appeal: *Cùm non ignoretis, Cantuarienſem Archiepiſcopum vobis non ſolùm Metropolitico ſed etiam Legationis jure præeſſe,* —— *Sanè licèt idem Archiepiſcopus Metropolitico jure audire non debeat cauſas de Epiſcopatibus veſtris, niſi per Appellationem deferantur ad eum; Legationis tamen obtentu, univerſas, quæ per Appellationem vel Querimoniam perveniunt ad ſuam Audientiam, audire poteſt & debet; ſicut qui in Provinciâ ſuâ vices noſtras gerere comprobatur.*

Citations and Returns.

1 Jac. I.

CANONS 1603.

cxx. *None to be Cited into Eccleſiaſtical Courts, by Proceſs of* Quorum nomina.

NO Biſhop, Chancellor, Archdeacon, Official, or other Eccleſiaſtical Judge, ſhall ſuffer any general Proceſſes of *w Quorum nomina*, to be ſent out of his Court: except *ww* the Names of all ſuch as thereby are to be Cited, ſhall be firſt expreſly entred by the Hand of the Regiſter, or his Deputy, under the ſaid Proceſſes, and the ſaid Proceſſes and Names be firſt Subſcribed by the Judge, or his Deputy, and his Seal thereto affixed.

The Names of Perſons to be Cited, ſhall be firſt entred by the Regiſter,
—and ſigned and ſealed by the Judge.

w Quorum Nomina.] The Rule of the ancient Canon Law, is as follows: *Cùm in multis Juris Articulis* Infinitas *reprobetur; providè duximus ſtatuendum, ut per illam generalem Clauſulam,* Quidam alii, *quæ frequenter in literis noſtris inſeritur, ultra tres vel quatuor in judicium non trahantur;* quorum Nomina *in primo Citatorio exprimat Impetrator: nè locus fraudi forſitan relinquatur, ſi circa ea poſſit liberè variare.*

Skinner, p. 27.

ww The Names.] A Company in *London* refuſing to pay a Church Rate ſet upon their Hall, the Maſter and Wardens were cited into the Eccleſiaſtical Court by their Sirnames and Names of Baptiſm, with the addition of *Maſter and Wardens* of the Company of *Waxchandlers*; and upon moving for a Prohibition, becauſe they were cited in their *natural* Capacity, when it ſhould have been in their *politick* Capacity; the Court held the Citation to be good, becauſe the body *politick* could not be cited, and there was no remedy but in this way; and Prohibition was denied.

CAP. III.

Of the LIBEL.

A.D.1414.

2 Henr. V. Cap. 3.

A Libel grantable in the Spiritual Court ſhall be preſently delivered.

Of the Libel.

ITEM, Foraſmuch as divers of the Kings liege people be daily Cited to appear in the Spiritual Court before Spiritual Judges, there to anſwer to divers perſons, as well of things which touch Freehold, Debt, Treſpaſs, Covenants, and other things whereof the coniſance pertaineth to the Court of our Lord the King, as of Matrimony and Teſtament: and when ſuch perſons ſo Cited appear and demand *x* a Libel of that which againſt them is ſurmiſed, to be informed to give their anſwer thereunto, or otherwiſe, to purchaſe a Writ of our Lord the King, of Prohibition, according to their Caſe, Which Libel to them is denied by the ſaid Spiritual Judges, to the intent that ſuch perſons ſhould not be aided by any ſuch Writ, againſt the Law, and to the great damage of ſuch perſons ſo impleaded: Our ſaid Lord the King, by the advice and aſſent of the Lords Spiritual and Temporal, and at the requeſt and inſtance of the ſaid Commons, hath ordained and eſtabliſhed, That at what time *xx* the Libel is grantable *y* by the Law, that it may be granted and *yy* delivered to the party, *z* without any difficulty.

Subjects, Cited into Spiritual Courts, and demanding a Libel, in order to a Prohibition, have been deny'd it;
—but, henceforth, it ſhall be granted, when it is grantable by Law.

x **A Libel.**] *i. e.* A Declaration or Charge, drawn up in writing on the part of the Plaintiff or *Actor*, to which the Defendant or *Reus* is obliged to anſwer.

xx **The Libel is grantable.**] In the 2*d.* year of King *James* I. all the Juſtices of *England* were aſſembled, for their Opinion (among other points) concerning the *Extent* of this Statute, Whether it related only to Proceedings between Party and Party only, or alſo to Proceedings *ex Officio*; and their Reſolution hereupon is differently related. 2 Cro. 37. *Croke*'s Report of it is, That the Statute is intended, where the Eccleſiaſtical Judge proceeds *ex officio, & ore tenus*; whereas *More* and *Noy* ſay, it was unanimouſly reſolved, that the Statute intended only Proceedings between Party and Party, and not Proceedings *ex officio, & ore tenus.* Mo. 746. Noy, 101.

From this Variety of Reports concerning the Reſolution of the Juſtices at that time, hath ſprung a like Variety in the ſubſequent Judgments upon this head. *Ann.* 13 *Jac.* I. where the High Commiſſion proceeded, not by way of *Libel*, but by *Articles*; it was reſolved, that the Articles were in the nature of a Libel, and ſo within the *intent* of the Statute. 3 Bulſt. 51. Vid. 1 Ventr. p. 5. 3 Keb. 508. In like manner, 27 *Car.* II. where the Caſe was, concerning Articles of Preſentment, it was adjudged, that a Copy ought to be delivered, as well on *Articles of Preſentment*, as on other Libels, and that the *Reading* the Preſentment to the Party is not ſufficient. Raym. 170. And, before that, *viz.* 20 *Car.* II. in the Caſe of *Taylor* and *Browne*, the Court reſolved, That this Statute extends, where the Proceeding in the Eccleſiaſtical Court is *ex officio*, as well as between Party and Party; and that the Report of *More* is ill reported; for *Croke* is contrary.

On the other hand, not only *More* and *Noy* concur in their Reports of the Reſolution, as abovefaid; but ſo late as 16 *Car.* II. in the Caſe of *Scurr* and *Burrel*, (*i. e.* but four years before the abovementioned Caſe of *Taylor* and *Brown*,) the Court agreed, That where the Libel is *ex officio Judicis*, the Judge is not bound to give a Copy within this Statute, but only where it is between *Party and Party*. 1 Siderf. 232. 1 Keb. 824.

Ann. 13 *Jac.* I. in the Caſe of *Dighton* and *Holt*, where a Copy of the *Interrogatories* was required, and refuſed; it was reſolved, that *Interrogatories* are within the *Equity* of this Statute. 2 Cro. 388.

y **By the Law.**] Therefore this Statute was not introductory of a *new* Law, but only an Affirmance of the Common-Law. 3 Bulſtr. 51, 53. R. 37.

Of the Libel.

3 Ke. 565. *y* **Delivered.**] When the Eccleſiaſtical Court declared, That Proclamation or Reading *altâ voce* in Court, was a *Delivery*; Prohibition was granted by the Temporal Court, *Niſi*.

z **Without any difficulty.**] If the Libel is not delivered, a Writ or Mandate is provided, in the following Form:

Reg. f. 58, a. "REX Decano de Arcubus London' & ejus Commiſſario ſalutem. Cùm in Statuto, in Parliamento "Domini *Henrici* nuper Regis *Angliæ*, Patris noſtri, apud "*Leyceſtr'*, anno Regni ſui ſecundo tento, edito, inter cætera contineatur, quòd quandocunq; copia libelli per legem "eſt concedenda, concedatur, & parti abſque difficultate "liberetur; ac jam ex querela *Radulphi* acceperimus, quòd "licet ipſe copiam libelli cauſam verſùs ipſum ad ſectam I. "coram vobis in Curia Chriſtianitatis motæ & pendentis, "ſibi concedere & liberare vos pluries requiſierit, quæ quidem copia per legem eſt concedenda, ut dicitur: vos "tamen id facere, & eidem *Radulpho* liberare diſtuliſtis & "differtis de præſenti, in noſtri contemptum & ipſius *Radulphi* grave damnum, ac contra formam, vim & effectum "Statuti prædicti: Nos, volentes Statutum illud in omnibus ſuis articulis inviolabiliter obſervari, vobis mandamus, "quòd præfato *R.* copiam libelli cauſæ prædictæ coram vobis verſùs ipſum ut præmittitur motæ & pendentis, ſi per "legem ſit concedenda, concedatis, & eidem *R.* copiam illam abſque difficultate liberetis, juxta formam Statuti prædicti. Et hoc ſub pœnâ centum librarum nullatenus omittatis. T. &c. xxxviij. *Henrici* ſexti.

Nat. Br. 43. Concerning this matter, *Fitzherbert* ſaith, as follows: *If a man be ſued in the Spiritual Court, and the Judges there will not grant unto the Defendant the Copy of the Libel, then ſhall he have a* Prohibition *directed unto them for to ſurceaſe*, &c. *until they have delivered the Copy of the Libel.* Which Prohibition, the more modern Books have put under theſe two Limitations, 1. That before it is granted, an *Oath* be required, of the *Denial* of the *Libel*. 2. That it ſhall not be granted at all, if the Appeal is made for ſuch Denial (as for a *Gravamen*) from an inferior to a ſuperior Court; becauſe the Party hath his Election, and hath choſen another Remedy. 1 Ventr. 252. 3 Kebl. 565.

Nat. Br. 43. To the Remedy by way of *Prohibition*, *Fitzherbert* adds, in the forementioned place, That the Defendant may have an Action againſt them upon this Statute, if they will not deliver the Copy of the Libel, whether the Cauſe in the Libel be a *Spiritual Cauſe*, or not.

Mod. Caſ. p. 308. The Prohibition, upon denying the Copy of the Libel, is only *Quouſque*; which is *ipſo facto* diſcharged by granting a Copy of the Libel, without Writ of Conſultation. In this caſe, they ſhall not proceed, till they give a Copy of the Libel; but it does not bind them from exhibiting a Libel; and to obtain a Prohibition upon the merits of the Cauſe, the Suggeſtion muſt be new.

CAP. IV.

OATHS, WITNESSES, *and* PERJURY.

Oaths, Witneſſes, and Perjury.

OTHO.

A.D. 1237. 22 *H.* 3.

Summarium.

Quòd Juramentum Calumniæ de veritate dicenda in Cauſis præſtari debeat. Otho. Edit. Oxon. p. 60.

The Oath of *Calumny* ſhall be adminiſtred in *England*,

a JUsjurandum Calumniæ in Cauſis Eccleſiaſticis & Civilibus * de veritate dicenda in Spiritualibus, quo † ut veritas faciliùs aperiatur, & Cauſæ celeriùs terminentur, Statuimus *b* præſtari de cætero in Regno *Angliæ* ſecundùm Canonicas & Legitimas *c* Sanctiones, obtentâ Conſuetudine in contrarium non obſtante.

—and Appearance reſpited at the diſcretion of the Judge.

Huic Statuto utiliter annectentes, ut Judiciales induciæ *d* Judicis dentur arbitrio, juxta Canonicas & Legitimas Sanctiones.

* *MS.* ad. Et.
† Et, *MS.*

Extra. tit. eod. c. 1. in Gloſs.

a Jusjurandum calumniæ.] *Quod Juramentum* [*tam ab* Actore *quàm* Reo] *præſtandum poſt Litem conteſtatam.* Extra. de Jura. calumn. c. 1. *ubi hæc habes in Gloſſâ*: "*In* "*juramento Calumniæ quinque Capitula continentur, ſcil.* Quòd credit ſe bonam cauſam habere; Interrogatus non ne"gabit quod verum eſſe credit; Nec utetur ſcienter falsâ "Probatione; Et, quòd Dilationem non petat in fraudem; "Nec dedit, nec dabit, nec promiſit, nec promittet, ali"quid pro hâc causâ, niſi illis perſonis quibus Leges dare "permittunt.

b Præſtari.] *Si hoc Juramentum recuſetur*; *Actor recuſans cauſam perdit*, *Reus verò pro confeſſo habetur.* J. de Athon.

c Sanctiones.] *Extrà. de Juram. Calumn.*

d Judicis.] *Qui in Dilationibus moderandis vel prorogandis, conſiderare debet plura*: 1. *Conſideranda eſt locorum diſtantia.* 2. *Temporis qualitas*; *aliter enim in hyeme, aliter in æſtate.* 3. *Natura negotii*; *aliter in majoribus, aliter in minoribus.* 4. *Viæ qualitas*; *aliter ſi ſit via per mare, aliter ſi per terram.* 5. *Perſonarum qualitas, & Impedimenta occurrentia. Unde, propter iſtas circumſtantias, neceſſe eſt quòd Dilationes omnes Judiciales ſint regulariter* arbitrariæ. J. de Athon.

THOMAS ARUNDEL.

A.D. 1408. 10 *H.* 4.

In Conſt. *Nullus quoque* —— Sub Tit. *De Hæreticis.*

It ſhall be Preached (againſt Hereticks) that Oaths in Courts of Juſtice are lawful.

——Ab omnibus deinceps doceatur communiter, atque prædicetur —— Juramenta, tactis Sacroſanctis Dei Evangeliis, & ſuper ipſis, in caſibus in Jure expreſſis, & in utroque foro uſitatis, ab omnibus, quorum intereſt, legitimè fore præſtanda. Lyndw. Edit. Oxon. p. 298.

A.D.1562.

39 ARTICLES.

xxxix. *Of a* [dd] *Chriſtian Man's Oath.*

AS we confeſs that Vain and Raſh Swearing is forbidden Chriſtian Men by our Lord Jeſus Chriſt, and *James* his Apoſtle: So we judge, that Chriſtian Religion doth not prohibit, but that a Man may Swear when the Magiſtrate requireth, in a Cauſe of Faith and Charity, ſo it be done according to the Prophet's teaching, in Juſtice, Judgment and Truth. A Man may Swear, when the Magiſtrate requireth.

1 Vernon, p.263. [dd] *Chriſtian Man's.*] Anonymus —— A *Jew* being to put in an Anſwer, upon a Motion it was order'd, that he ſhould be ſworn upon the *Pentateuch*, and that the Plaintiff's Clerk ſhould be preſent to ſee him ſworn.

A.D.1640.

16 Car. I. Cap. 2.

In an Act, Entituled, *A Repeal of the Branch of a Statute* 1° Eliz. *concerning Commiſſioners for Cauſes Eccleſiaſtical.*

§. IV. **And be it alſo enacted by the Authority aforeſaid, That no Archbiſhop, Biſhop, nor Vicar-General, nor any Chancellor, Official, nor Commiſſary of any Archbiſhop, Biſhop, or Vicar-General, nor any Ordinary whatſoever, nor any other Spiritual or Eccleſiaſtical Judge, Officer or Miniſter of Juſtice, nor any other Perſon or Perſons whatſoever, exerciſing Eccleſiaſtical Power, Authority or Juriſdiction, by any Grant, Licence or Commiſſion of the King's Majeſty, his Heirs or Succeſſors, or by any Power or Authority derived from the King, his Heirs or Succeſſors, or otherwiſe, ſhall, from and after the firſt day of** Auguſt, **which ſhall be in the year of our Lord God, One thouſand ſix hundred forty and one, award, impoſe, or inflict any Pain, Penalty, Fine, Amerciament, Impriſonment, or other Corporal Puniſhment, upon any of the King's Subjects, for any Contempt, Miſdemeanour, Crime, Offence, matter or thing whatſoever, belonging to Spiritual or Eccleſiaſtical Cognizance or Juriſdiction, or ſhall** ex Officio, **or at the inſtance or promotion of any other perſon whatſoever, urge, enforce, tender, give or miniſter unto any Church-warden, Side-man, or other Perſon whatſoever, any** [e] **Corporal Oath, whereby he or ſhe ſhall or may be charged or obliged to make any Preſentment of any Crime or Offence, or to confeſs or to accuſe himſelf, or herſelf, of any Crime, Offence, Delinquency or Miſdemeanour, or any neglect, matter or thing whereby, or by reaſon whereof, he or ſhe ſhall or may be liable, or expoſed to** [f] **any Cenſure,**

No Spiritual Judge ſhall impoſe Fine, or Corporal Puniſhment.

—nor adminiſter the Oath *ex officio*,

[e] **Corporal Oath.**] It is ſaid in the Books of Reports, That by the Common-Law there were but two ſorts of Cauſes, in which the Spiritual Judge might compel a *Layman* to accuſe himſelf, *viz. Matrimonial* and *Teſtamentary*; which they ground upon the two following Writs in the ancient Regiſter:

Regiſtr. Br. f.36, b.

"REX Vic' ſalutem. Præcipimus tibi quòd non permittas quòd aliqui Laici ad Citationem talis Epiſcopi, aliquo loco conveniant de cætero ad aliquas recognitiones fac', vel ſacramentum præſtand', niſi in caſibus Matrimonialibus & Teſtamentariis. T. &c.

"REX Vic. ſalutem. Pone per vadium, &c. talem Epiſcopum, quòd ſit coram Juſticiariis noſtris, &c. oſtenſurus quare fecit ſummoneri, & per Cenſuras Eccleſiaſticas diſtringi, Laicas perſonas, vel Laicos Homines & Fœminas, ad comparendum coram eo, ad præſtandum juramentum pro voluntate ſuâ, ipſis invitis, in grave præjudicium Coronæ & Dignitatis noſtræ Regiæ, necnon contra Conſuetudinem Regni noſtri. Et habeas ibi nomina pleg. &c. T. &c.

2 Inſt. 657. 12 Rep. 26. The Reaſon given by my Lord *Coke*, why the Eccleſiaſtical Judge was allowed to Examine the Parties upon Oath, in theſe two Caſes, is, That Contracts of Matrimony, and the Eſtates of the Dead, are many times *ſecret*, and do not concern the Shame and Infamy of the Party, as Adultery, Incontinency, Uſury, Simony, Hearing of Maſs, Hereſy, *&c.* And therefore, long before the making of this Statute, when the High-Commiſſion and other Eccleſiaſtical Courts required the Oath of the Party in theſe and the like Caſes, they were prohibited by the Temporal Courts.

Mo. 840. 906. 1 Cro. 262. Cro. 388. 12 Rep. 26.

2 Inſt. 657, 658. But when my Lord *Coke* ſuppoſes this Oath to be the ſame with what is called *Juramentum Calumniæ*, and on that ſuppoſition reaſons againſt the Conſtitution of *Otho* upon that head; his Lordſhip confounds two things which are widely different; as will appear, at firſt ſight, by comparing that Conſtitution, with this Statute.

[f] **Any Cenſure, Pain, Penalty.**] In other Caſes, where the *Courſe* of the Eccleſiaſtical Courts hath been, to receive Anſwers upon Oath, they may ſtill receive them. And therefore, *ann.* 31 *Car.* II. in the Caſe of *Hern* and *Brown*, where the Suit was for payment of the Proportion aſſeſſed towards the Repair of the Church, and the Defendant offering to give in his Anſwer, but not upon Oath, pray'd a Prohibition, becauſe it was refuſed; the Court, after hearing divers Arguments, denied the Prohibition; for they ſaid, It was no more than the Chancery did, to make Defendants anſwer upon Oath in ſuch like Caſes. And, ſome years before that, in the Caſe of *Goulſon* and *Wainwright*, it was held by the Court, "That if Articles *ex officio* are exhibited in the Spiritual Court for matters *Criminal*, and the Party is required to anſwer upon Oath he may plead, *Quòd non tenetur reſpondere*; and if they will proceed notwithſtanding, he may have Prohibition: But if it be a *Civil* matter, he cannot do ſo; for then he is *bound* to Anſwer. 1 Ventr. 339. 1 Siderf. 374.

Under this Head may be added, by the way, the different Rules in the Spiritual and Temporal Courts, with regard to the **Number** of **Witneſſes**. In the Spiritual Court, they admit no Proof but by *two Witneſſes* at leaſt; in the Temporal Court, *one Witneſs*, in many caſes, is judged ſufficient. If therefore the Point to be proved, is merely Spiritual, the Spiritual Court requires two Witneſſes, and they are not diſturbed by *Prohibition*.

The ſame thing was affirmed in *Roberts*'s Caſe, 8 *Jac.* I. with regard to Points not otherwiſe cogniſable in the *Spiritual Courts*, than as *incidental* to the Principal Point. There 2 Cro. 269. 12 Rep. 65.

—upon pain to forfeit treble Damages, and 100 *l.* Pain, Penalty or Puniſhment whatſoever; upon pain and penalty that every perſon, who ſhall offend contrary to this Statute, ſhall forfeit and pay treble damages to every perſon thereby grieved, and the ſum of One hundred pounds to him or them who ſhall firſt demand and ſue for the ſame: which ſaid treble damages and ſum of One hundred pounds ſhall and may be demanded and recovered by Action of Debt, Bill or Plaint, in any Court of Record, wherein no Privilege, Eſſoin, Protection, or Wager of Law, ſhall be admitted or allowed to the Defendant, And —and to be diſabled for ever, from any Office in Courts of Juſtice. be it further enacted, That every perſon who ſhall be once convicted of any Act or Offence prohibited by this Statute, ſhall, for ſuch Act or Offence be, from and after ſuch conviction, utterly diſabled to be or continue in any Office or Imployment in any Court of Juſtice whatſoever, or to exerciſe or execute any Power, Authority or Juriſdiction by force of any Commiſſion, or Letters Patents of the King, or his Heirs Succeſſors.

the Suit was for *Subſtraction of Tythes*, and *Prohibition* was obtained, becauſe there was but *one* Witneſs to prove the Leaſe of the Tythes, and the *Spiritual Court* would not allow the Proof. "And upon Adviſement in this Caſe, by "*Coke* and all the Juſtices, it was reſolved, that *Conſultation* "ſhould be awarded; becauſe there is a Rule in the Regiſ"ter, That where *Cognitio Principalis* is, there *Cognitio* "*Acceſſarii* neceſſarily follows; but if ſuch Surmiſe ſhould "be allowed in every Caſe, it would oft-times be made "for meer Delay, and the *Spiritual Court* ſhould not try "the *Acceſſary*, as well as *Principal*." And the Concluſion is, "When the *Original Cauſe* belongs unto them, altho' "Matter triable at the Common Law ariſeth, depending "upon the *Original Cauſe*, yet it ſhall be determined in "the *Eccleſiaſtical Court*: and ſuch Surmiſe, that he hath "but *one* Witneſs, is not ſufficient to have a *Prohibition*, "where the *Eccleſiaſtical Court* hath Juriſdiction of the "*Principal*: for if ſuch a Surmiſe ſhould be ſufficient, all "Suits in the *Eccleſiaſtical Court* ſhould thereby be ſtayed, "or otherwiſe taken away, and the Plaintiff in the *Spiritual* "*Court* could not have Anſwer thereto.

1 Ventr. 291. But the more Modern Reports ſpeak another Language: As, in the Caſe of *Richardſon* and *Desborow*, 27 & 28 *Car.* II. where *Prohibition* was prayed, becauſe the *Spiritual Court* refuſed the Proof of *Plenè Adminiſtravit* by *one* Witneſs; it was granted: and *Hale* ſaid, "Where the Mat"ter to be proved (which falls in *incidentally* in a Cauſe "before them in the *Spiritual Court*) is Temporal; they "ought not to deny ſuch Proof as *our Law* allows." And 3 Mod. 2 Rep. 283. 2 Salk. p. 547. in the Caſe of *Shotter* and *Friend*, 2 *Will.* & *Mar. Prohibition* was prayed, and obtained, becauſe the *Spiritual Court* would not allow the Proof of the Payment of a Legacy by *one* Witneſs. Upon which occaſion, it was ſaid by the Court, "Such Proof, which is good at the *Common Law*, "ought to be allowed in *their* Court; and at the *Common* "*Law*, it is not neceſſary to prove the Payment of a Debt "by *two* Witneſſes. They may follow their own Rules, "in things which are *originally* in their Cogniſance; but "if any *Collateral* matter doth ariſe, as concerning a *Revo*"*cation of a Will*, or *Payment of a Legacy*, if the Proof be "by *one Witneſs*, they ought to allow it." But it was alſo 2 Salk. p. 547. 1 Raymond, p. 221. reſolv'd by the Court in the ſame caſe, That where the Eccleſiaſtical Court proceed in a matter *merely ſpiritual*, if they proceed in their own manner, tho' that is different from the Common Law, no Prohibition lies; as in Probate of Wills there, if they refuſe one Witneſs, there ſhall be no Prohibition.

Yelv. 92. 'Tis true, in the 4*th* of *Jac.* I. *Prohibition* was granted, where the *Spiritual Court* would not allow the Proof of a Revocation of a Will by *one* Witneſs; and that Precedent is accordingly alledged for the *Prohibition* in the forementioned Caſe of *Richardſon* and *Deſborow*: but, at the ſame time, theſe Circumſtances might have deſerved to be mentioned. 2 Inſt. p. 680. 1. That the very next year before this, upon Complaint made to the King and Council againſt ſuch *Prohibitions* for refuſing of *one Witneſs*, the Anſwer of all the Judges was, *If the Queſtion be upon* Payment *or* Setting out *of* Tythes, *or upon the* Proof *of a* Legacy, *or* Marriage, *or ſuch like Incidence, we are to leave it to the Trial of their Law, though the Party have but* one *Witneſs*. 2. That, in the ſaid Caſe, 4 *Jac.* I. two of the Judges, *Popham* and *Williams*, argued ſtrongly, that *Conſultation* ought to go, becauſe the *Will*, which was the *Principal*, did undoubtedly belong to the *Spiritual Court*, and *Revocation* was merely *dependant* upon it, and *acceſſary* to it. 3. That the others, who were for the *Prohibition*, held, that the *Revocation* was not *dependant* on the *Will*; thoſe things being *Dependencies* which *affirm* the Will, and not thoſe that *diſannul* and *diſaffirm* it, as the Revocation doth: tho' it is true, that *Tanfield* grounded his *Opinion* chiefly on the *Denial* of ſuch Proof as the *Common-Law* allows.

13 Car. II. Cap. 12.

A.D. 1661.

In an Act, Entituled, *An Act for explanation of a Clauſe contained in an Act* 17 Car. I. *Entituled, An Act for repeal of a Branch of a Stat.* 1° Eliz. *concerning Commiſſioners for Cauſes Eccleſiaſtical.*

No Spiritual Judge ſhall adminiſter the Oath *ex officio*. IV. Provided alſo, and it is hereby further enacted, that it ſhall not be lawful for any Archbiſhop, Biſhop, Vicar-General, Chancellor, Commiſſary, or any other Spiritual or Eccleſiaſtical Judge, Officer or Miniſter, or any other perſon having or exerciſing Spiritual or Eccleſiaſtical Juriſdiction, to tender or adminiſter unto any perſon whatſoever, the Oath uſually called the Oath Ex Officio, or any other Oath whereby ſuch perſon to whom the ſame is tendred or adminiſtred, may be charged or compelled to confeſs, or accuſe, or to purge him, or herſelf of any criminal matter or thing, whereby he or ſhe may be liable to cenſure or puniſhment: Any thing in this Statute, or any other Law, Cuſtom or Uſage heretofore to the contrary hereof in any wiſe notwithſtanding.

Oaths, Witneſſes and Perjury.

A.D 1285.

13 Edw. I. Cap. 1.

In the Stat. Entituled, Circumſpectè agatis, *&c.*

—— In cauſe of Defamation, it hath been granted already, that it ſhall be tried in a Spiritual Court, when Money is not demanded, but a thing done for Puniſhment of Sin, and likewiſe for [g] breaking an Oath.

Perjury ſhall be puniſhed in the Spiritual Court.

Keilw. f. 39, b.

[g] **Breaking an Oath.**] If *Perjury* be committed in a *Temporal Cauſe*, it is puniſhable only in the *Temporal Courts*; but where it is committed in a *Spiritual Cauſe*, the *Spiritual Judge* hath Authority to puniſh it; and *Prohibition* will not go. But tho' the Caſe is *Spiritual*, and the *Perjury* is committed in the *Spiritual Court*, yet the Judge there can only puniſh *pro Salute Animæ*; and the Party grieved by ſuch Perjury, muſt recover his Damages at the *Common-Law*.

12 Rep. 128.

A.D.1562.

5 Eliz. Cap. 9.

In an Act, Entituled, *An Act for Puniſhment of ſuch Perſons as ſhall procure or commit any wilful Perjury.*

§. XI. Provided alſo, That this Act, nor any thing therein contained, ſhall not extend to any Spiritual or Eccleſiaſtical Court or Courts within this Realm of England or Wales, or the Marches of the ſame: But that all and every ſuch Offender or Offenders, as ſhall offend in form aforeſaid, ſhall and may be puniſhed by ſuch uſual and ordinary Laws as heretofore hath been, and yet is uſed and frequented in the ſaid Eccleſiaſtical Courts: any thing in this preſent Act contained to the contrary in any wiſe notwithſtanding.

Stat. 5 *Eliz.* againſt Perjury, ſhall not take away the Right of Eccleſiaſtical Courts, to puniſh it.

A.D.1571. &c.

13 Eliz. Cap. 28 —— 7 Georg. Cap. 19.

In the Acts of General Pardon.

And alſo excepted —— all Offences of Perjury, and Subornation of Witneſſes.

Perjury and Subornation excepted in General Pardons.

CAP. V.

SEAL *of* OFFICE.

A.D. 1237. 22 *H.* 3.

OTHO.

Omnes Prælati tam ſuperiores quàm inferiores, omniaq; Collegia cum ſuis Officialibus, habeant Sigillum Authenticum ſuis notis & characteribus inſculptum, nomine Dignitatis aut Officii; ſed Officiarii, perfuncto Officio, Sigillum ſtatim reſignent. Omnes autem Sigillum fideliter cuſtodiant, aut cuſtodiri, recepto Juramento, procurent. Cuſtodes autem ſine Domini juſſu nihil ſignent; quo jubente, fiat fideliter & providè Sigilli copia, inque Literis diligens datæ ſubſcriptio.

Otho. Edit. Oxon. p. 67.

QUoniam Tabellionum uſus in Regno *Angliæ* [h] non habetur, propter quod magis ad [bb] Sigilla Authentica recurrere eſt neceſſe, ut eorum copia facilius habeatur; Statuimus, ut Sigillum habeant non ſolùm Archiepiſcopi, & Epiſcopi, ſed etiam eorum Officiales. Item Abbates, [i] Priores, & Decani, Archidiaconi, & eorum Officiales, & Decani Rurales, necnon Eccleſiarum Cathedralium, [k] Capitula, & cætera quæcunque Collegia, & Conventus, ſimul cum ſuis [l] Rectoribus, [m] aut diviſim, juxta eorum Conſuetudinem, vel Statutum.

The neceſſity of Seals in *England*, for want of Notaries; and who ſhall have Seals.

[h] Non habetur.] *i. e. Rarus habetur.* J. de Athon.

[bb] Sigilla Authentica.] *Dicitur Scriptura* Authentica, *non ſolùm ſi Sigillo Epiſcopi fuerit conſignata; imò etiamſi Sigillo cujuſlibet alterius Inferioris Judicis Ordinarii vel Delegati; ſi hoc habeat Conſuetudo.* —— *Hîc Inſtrumenta Sigillis Authenticis conſignata, parem vim obtinent, cum Inſtrumentis publicis Tabellionum; imò plus quandoque creditur tali Sigillo, quàm Inſtrumento publico; maximè in literis clauſis, quia commodiùs includuntur ſub ſigillo, vel quia ſigilla ſunt magis nota, vel faciliùs poſſunt probari, quàm Auctoritas Notarii: Aliàs, ubi ſigilla ſunt ignota, tunc non probant, niſi de illis fiat fides aliqualis juxta diſcretionem boni Arbitri.* J. de Athon.

[i] Priores.] *i. e. Principales, non autem Clauſtrales.* J. de Athon.

[k] Capitula.] *Capitula vocantur, Eccleſiarum Cathedralium; Collegium, Sæcularium; Conventus, Religioſorum.* J. de Athon.

[l] Rectoribus.] *i. e. Prælatis prænominatis, ſeu Præſidentibus ſuis.* J. de Athon.

[m] Aut diviſim.] *i. e. Non ſimul, nec communiter, cum ſuis Prælatis, ſed per ſe disjunctim.* J. de Athon.

Such Seals ſhall have on them the names of the Office, and Perſon, —and ſhall be delivered up by Rural Deans, *&c.* whoſe Seals ſhall only expreſs the Offices, when it expires.

Seal of Office.

Pro varietate cujuſlibet prædictorum habeat unuſquiſque Sigillum, putà nomen Dignitatis, Officii, ſeu Collegii, & etiam illorum proprium nomen, qui Dignitatis vel [n] Officii perpetui gaudent honore, inſculptum notis & Characteribus manifeſtis: ſicque Sigillum Authenticum habeatur. Denique illi, qui temporale Officium ſuſpiciunt, putà, Decani Rurales, & Officiales, Sigillum ſuum, quod tantùm nomen Officii habeat inſculptum, finito Officio, ei, à quo habuerint Officium, continuò & ſine moleſtia reſignent.

Seals ſhall be carefully kept, and cautiouſly uſed.

Sanè de Cuſtodia Sigillorum curam haberi diligentem Præcipimus, ut unuſquiſque per ſe illud cuſtodiat, vel uni ſoli, de cujus fide [o] confidat, cuſtodiendum committat; qui etiam juret, quòd illud fideliter cuſtodiet, nec ad ſigillandum aliquid alicui concedet, nec ipſe etiam aliquid ſigillet inde, ex quo poſſit præjudicium alicui generari, niſi quod Dominus ejus prius legerit & viderit diligenter, & ſic præceperit ſigillari. In faciendâ verò Sigilli copiâ, fidelis & provida ſit cautela: fidelis, ut indigentibus [p] de facili præbeatur; provida, ut falſis & fraudulentis penitus denegetur.

Every Inſtrument ſhall expreſs *time* and *place.*

In principio quoque vel fine cujuſlibet ſcripturæ Authenticæ, ſufficientem datam inſeri Statuimus [q] diei, [r] temporis, atque loci.

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[n] Officii perpetui.] *Ut ſunt Archiepiſcopi, Abbates, Archidiaconi, & ſimiles; tales enim non decet habere Partes temporales.*

[o] Confidat.] *Epiſcopus enim, vel Prælatus alius Eccleſiaſticus Sæcularis, committere poteſt ſuum Sigillum fideli perſonæ, quæ ſigillet Literas de iis quæ pertinent ad Dominum ſuum; putà, faciet Commiſſiones Cauſarum, Citationes, Confirmationes, & generaliter omnibus aliis quæ commiſſa ſunt ei, poterit ſcripturas ſigillare; etiamſi ipſe Prælatus Literas hujuſmodi non videat.* J. de Athon.

[p] De facili.] i. e. *abſque moroſâ Retardatione, & abſque gravi Examinatione, vel Exactione Pecuniæ pro Sigillatione ſeu Inſinuatione; quæ gratis de jure communi fieri debet.* J. de Athon.

[q] Diei.] ſc. *Literæ datæ ſeu liberatæ, licet priùs forſan ſcriptæ.* J. de Athon.

[r] Temporis.] *Scil. Anni & Menſis.* J. de Athon.

O T H O.

A.D.1237.
22 *H.* 3.

Summarium.

Qui literas falſas, in alterius præſertim præjudicium, ſciens uſurpaverit, pœnam Falſariis debitam incurret.

They who make and Seal Inſtruments, which certify the preſence of Perſons not preſent, *&c.*

Otho. Edit. Oxon. p. 65.

QUanto ſcripturarum, quæ Sigillo Authentico [s] imprimuntur, eſt uſus magis neceſſarius in partibus *Anglicanis*, ubi publici Notarii [t] non exiſtunt, tanto diligentiùs eſt cavendum, nè per aliquorum [u] inſolentiam poſſint protrahi in abuſum. Conficiuntur enim (ut audivimus) Literæ, ac ſignantur non tantum [w] à minoribus Clericis, verùm etiam [x] à Prælatis, in quibus manifeſtè cavetur aliquem contraxiſſe, contractui vel negotio affuiſſe, vel extitiſſe aliquem ad Judicium evocatum, vel ſibi Literas Citatorias præſentatas, qui tamen nunquam præſens fuerat vel inventus, immo forſan in alia Provincia vel Diœceſi tunc degebat.

—ſhall be liable to the Pains of Forgerie.

† *Al. Sancimus.*

Cæterùm cum hujuſmodi ſcripturæ falſitatis vitium contineant manifeſtè, fieri talia vel ſimilia diſtrictiùs prohibentes, providâ deliberatione † Cenſemus, quòd qui in his deliquiſſe fuerint convicti, & qui talibus Literis, maximè in alterius præjudicium, præſumpſerint uti ſcienter, [y] pœnâ Falſariis debitâ, & falſis Inſtrumentis utentibus, debitè puniantur.

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[s] Imprimuntur.] *Aliàs, Muniuntur.* J. de Athon.

[t] Non exiſtunt.] i. e. *Rarò exiſtunt, reſpectu Sigillorum Authenticorum.* J. de Athon.

[u] Inſolentiam.] *Aliàs, Inſolertiam; per quam aliqui actum fallendi nimis exercent, licet nomen falſi abhorreant.* J. de Athon.

[w] A minoribus Clericis.] *Habentibus tamen Sigilla Authentica; quales ſunt Officiales, & Decani Rurales.* J. de Athon.

[x] A Prælatis.] *Ut ſunt propriè, qui alicui approbato Collegio præſunt, quocunque nomine vocentur.* J. de Athon.

[y] Pœna Falſariis debita.] *Quæ ſecundùm Leges eſt Deportatio, & omnium Bonorum confiſcatio in Libero homine; Servus verò eſt afficiendus ultimo ſupplicio. —— Falſarius Literarum capituli, multò fortiùs Epiſcopi, cum convictus fuerit, ab Officio & Beneficio debet ſuſpendi.* J. de Athon.

C A N O N S 1603.

1 Jac. 1.

cxxiv. *No Court to have more than one Seal.*

No Eccleſiaſtical Judge ſhall have more than one Seal, —to be kept by himſelf or his Subſtitute, —and to contain the Title of the Juriſdiction.

NO Chancellor, Commiſſary, Archdeacon, Official, or any other exerciſing Eccleſiaſtical Juriſdiction, ſhall, without the Biſhop's Conſent, have any more Seals than one for the Sealing of all matters incident to his Office: Which Seal ſhall always be kept either by himſelf, or by his lawful Subſtitute exerciſing Juriſdiction for him, and remaining within the Juriſdiction of the ſaid Judge, or in the City, or principal Town of the County. This Seal ſhall contain the Title of that Juriſdiction which every of the ſaid Judges or their Deputies do execute.

C A P.

CAP. VI.

Of FEES, *and* EXTORTION.

A.D. 1350.

25 Edw. III. Cap. 9.

Indictments of Ordinaries for Extortion ſhall be put in Certainty.

Of Fees and Extortion.

ITEM, Becauſe that the Kings Juſtices do take Indictments of Ordinaries or their Miniſters, of extortions and oppreſſions, and impeach them without putting in certain, wherein or whereof, or in what manner they have done extortion: The King will, that his Juſtices ſhall not from henceforth impeach the Ordinaries, nor their Miniſters, becauſe of ſuch Indictments, of general extortions or oppreſſions, unleſs they ſay and *d* put in certain in what thing, and of what, and in what manner, the ſaid Ordinaries or their Miniſters have done extortions or oppreſſions.

Juſtices ſhall not impeach Ordinaries of Extortion, unleſs they put in certain, in what thing, *&c.*

2 Len. 268.

d **Put in certain.**] *Ann.* 33 *Eliz.* a Commiſſary, Regiſter, and Apparitor were indicted of *Extortion*, for that they, *colore Officiorum ſuorum*, had received 11 *s.* 6 *d.* for Abſolution; and Exception was taken to the Indictment, that by this Statute the particular Offence of every Offender ought to have been *ſpecially* ſet down; but the Exception was not allowed, becauſe they took it *in groſs*, and the Party grieved could not have notice by what *Proportions* they divided it.

Another Exception, and upon this Statute, was, becauſe it was not ſhewed what was their *due Fee*: and this was conceived to be a good Cauſe of Exception; for if no Fee be due, the ſame ought to appear in the Indictment. And afterwards, the Opinion of the Court was, that they ſhould be diſcharged.

1 Jac. 1.

CANONS 1603.

cxxxv. *A certain Rate of Fees, due to all Eccleſiaſtical Officers.*

NO Biſhop, Suffragan, Chancellor, Commiſſary, Archdeacon, Official, nor any other exerciſing Eccleſiaſtical Juriſdiction whatſoever, nor any Regiſter of any Eccleſiaſtical Courts nor any Miniſter belonging to any of the ſaid Offices or Courts, ſhall hereafter, for any Cauſe incident to their ſeveral Offices, *e* take or receive any other or greater Fees, than ſuch as were *f* certified to the moſt Reverend Father in God, *John*, late Arch-

All Fees in Eccleſiaſtical Courts ſhall be according to the Tables confirmed by the Archbiſhop, *ann.* 1597.

1 Ventr. 165.
2 Keb. 615, 810.
3 Keb. 203, 516.
4 Mod. Rep. 254.
5 Mod. Rep. 238.

e **Take or receive.**] Fees having been demanded by Proctors, and, upon Refuſal to pay, *Suits* commenced by them in the *Spiritual Courts* againſt their Clients, *Prohibitions* have been prayed on many occaſions; ſome, on pretence that the thing itſelf is properly cogniſable in the *Temporal Courts* for which they might bring a *Quantum meruit*, or an *Indebitatus aſſumpſit*, upon the Retainer, *pro opere & labore*, &c. and others upon Surmiſe of Cuſtom. And the Sum and Subſtance of what hath uſually been reſolved upon that head, was delivered by *Vaughan* and *Windham*, in the Caſe of *Horton* and *Wilſon*, *That no Court can better judge of the Fees that have been due and uſual in the Spiritual Court, than themſelves, and that therefore the Suit for Fees was moſt proper for that Court*; *unleſs, where the Foundation of the Demand ſhould be Cuſtom, and it ſhould come in queſtion, whether the Cuſtom was ſo or not.* And in that reſpect, they compared this Caſe to the Caſe of a *Modus* for Tythes, which, if not denied, may be recovered in the *Spiritual Court*; but if denied, *Prohibition* goes. (1 Mod. Rep. 167.)

3 Keb. 516.

It was ſaid by *Hales* Chief Juſtice, in the Caſe of *Web* and *Hartfell*, *That no Action upon the Caſe was ever brought for Proctor's Fees, and that therefore they may* (or rather *muſt*) *be ſued for in the Spiritual Court.* And tho' a *Prohibition* was granted in the Caſe of Sir *Edward Lake*; that was not becauſe it was a Suit for Fees, but becauſe it was a Suit before himſelf for his *own* Fees. To which may be added, what was ſaid in the Caſe of *Johnſon* and *Lee*, *Rules are made here, to oblige the* Attorneys *in matters of Practice*; *and the like Rules are made there to oblige the* Proctors *and Miniſters of the Court*; *ſo that they muſt be allowed to be the proper Judges in this matter.*

3 Keb. 203.

4 Rep. 242.

1 Salk. 330.

5 *Will.* & *Mar.* Prohibition was prayed and granted, in the King's Bench, to ſtay a Suit in the Archdeacon of *Lichfield*'s Court, againſt Churchwardens, for a Fee for ſwearing them, and taking Preſentments; and tho' an Attempt was made to diſcharge the Rule, it was over-ruled.

Comyns, p. 19.

So, in the caſe of *Johnſon* and *Lee*, 2 *W.* 3, where the queſtion was, Whether a Suit in the Spiritual Court ſhall be brought for Fees? it is ſaid, that after ſeveral motions a Prohibition was granted.

1 Salk. p. 333, 1 Raymond, p. 703.

In like manner, 13 *W.* 3. in the caſe of *Ballard* and *Gerard*, where a Regiſter libelled for his Fees, and the Defendant came and ſuggeſted, that the Office of Regiſter was a temporal Office and a Freehold, and moved for a Prohibition, it was granted; becauſe the Court have no Power to compel the Party to pay Fees to their Officers, but they muſt bring their *Quantum meruit*; or if the Office be a Freehold, they may bring an Aſſiſe; for the Denial of juſt Fees is a Diſſeiſin. And tho' it was afterwards urged, in order to ſet aſide the Rule, that this was not like *Proctor*'s Fees, where there is a Remedy at Common Law upon the Retainer, but here the Party is a meer Officer of the Court, and that the Court might appoint a reaſonable Fee to Officers that attend them; yet the Rule ſtood.

1 Salk. 333.

And, after that, 1 *Ann.* it was declared in *Gifford*'s Caſe, That no Court hath a power to *Eſtabliſh* Fees: the Judge of a Court may think them reaſonable, but that is not binding: But if on a *Quantum meruit*, a Jury think them reaſonable, then they become *Eſtabliſhed* Fees.

Coll. Can. 196.

f **Certified.**] One of the Articles, or Canons, ratified *Ann.* 1584, was, *Quòd neque alia, neque majora Feoda ab Epiſcopo, Ordinario, Archidiacono, vel eorum Miniſtris, deinceps ullâ de causâ percipiantur, quàm ea quæ, ineunte hoc Regnum Regiâ nunc Majeſtate, percipi ſolebant. Quòdque* Tabula *quædam ſingulorum hujuſmodi Feodorum ſummas continens, in quolibet conſiſtorio ante Feſtum S. Johannis Baptiſtæ proximè venturum figatur; Cujus Exemplar, manu ipſius Ordinarii ſubſignatum, intra tempus prædictum ad Archiepiſcopum tranſmittetur.*

Ibid. 254.

Which ſaid Article is repeated in the Conſtitutions of 1597, and it is there enjoyned, 1. That the Table which is to be hung up in the Conſiſtory, *Continebit ſeparatas ſummas ſingulorum Feodorum, quæ tam à Judice, quàm à ſingulis aliis Officiariis ac Miniſtris ejuſdem Curiæ, frequen-*

Of Fees and Extortion.

biſhop of *Canterbury*, in the Year of our Lord God, One thouſand five hundred ninety and ſeven, and were by him ratified and approved; under pain that every ſuch Judge, Officer or Miniſter offending herein, ſhall be Suſpended from the exerciſe of their ſeveral Offices, for the ſpace of ſix Months for every ſuch Offence. g Always provided, that if any queſtion ſhall ariſe concerning the Certainty of the ſaid Fees or any of them, then thoſe Fees ſhall be held for lawful, which the Archbiſhop of *Canterbury* for the time being ſhall under his Hand approve, except the Statutes of this Realm before made, do in any particular Caſe expreſs ſome other Fees to be due. Provided furthermore, That no Fee or Money ſhall be received either by the Archbiſhop, or any Biſhop or Suffragan, either directly or indirectly, for admitting of any into Sacred Orders, nor that any other Perſon or Perſons under the ſaid Archbiſhop, Biſhop or Suffragan, ſhall, for Parchment, Writing, Wax, Sealing, or any other reſpect thereunto appertaining, take above ten ſhillings, under ſuch pains as are already by Law preſcribed.

—and all Queſtions ſhall be determined by the Archbiſhop for the time being.

There ſhall be no Fees to the Biſhop for Orders,

—nor any to Officers, above 10*s.*

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tiùs ac uſitatiùs, ab initio Regni dictæ Sereniſſimæ Reginæ uſque ad decimum octavum Majeſtatis ſuæ annum, percipi conſueverunt. 2. That an Authentick Copy of the ſaid Tables, be delivered by every Judge to their reſpective Biſhops, to be preſerved in the Archives of each. 3. That every Biſhop tranſmit an Authentick Copy, written on Parchment, to the Archbiſhop.

In the Regiſter of Archbiſhop *Whitgift*, we find Letters of Expoſtulation from his Grace, for that the Biſhops did not make their Certificates of Fees, &c. according to the late Conſtitution.

Regiſtr. 3 *Whitg.* 100, a. 105, a.

g **Always provided.**] This Clauſe, in the Conſtitutions of 1597, is as follows: *Proviſo ſemper, quòd ſi alicubi dubium fuerit, quæ Feoda* uſque ad prædictum decimum octavum *Regiæ Majeſtatis* annum *uſitatiſſimè percepta fuerint; tum ea Feoda pro legitimis habebuntur, quæ per Archiepiſcopum Cantuarienſem ſub manûs ſuæ ſubſcriptione approbabuntur*, &c.

Col. Can. p. 255.

CXXXVI. *A Table of the Rates and Fees to be ſet up in Courts and Regiſtries.*

1 Jac. 1.

WE do likewiſe conſtitute and appoint, That the Regiſters belonging to every ſuch Eccleſiaſtical Judge, ſhall place two Tables, containing the ſeveral Rates and Sums of all the ſaid Fees: one in the uſual Place or Conſiſtory where the Court is kept, and the other in his Regiſtry, and both of them in ſuch ſort, as every Man whom it concerneth, may without difficulty come to the view and peruſal thereof, and take a Copy of them; the ſame Tables to be ſo ſet up before the Feaſt of the Nativity next enſuing. And if any Regiſter ſhall fail to place the ſaid Tables according to the Tenour hereof, he ſhall be Suſpended from the Execution of his Office, until he cauſe the ſame to be accordingly done: And the ſaid Tables being once ſet up, if he ſhall at any time remove, or ſuffer the ſame to be removed, hidden, or any way hindred from ſight, contrary to the true meaning of this Conſtitution, he ſhall for every ſuch Offence be ſuſpended from the exerciſe of his Office for the ſpace of ſix Months.

Regiſters ſhall have two Tables of Fees,

—one in the Conſiſtory, the other in the Regiſtry,

—upon pain to be Suſpended from the Execution of his Office, till he do it;

—and for concealing them, he ſhall be Suſpended ſix months.

6, 7 Will. III. Cap. 20.

A.D. 1694.

In an Act, Entituled, *An Act for the King's moſt Gracious, General, and Free Pardon.*

XL. **And alſo excepted Adultery, Extortion, and all other enormous Crimes committed by any perſon in Holy Orders, puniſhable in any Eccleſiaſtical Court, and all Proceedings and Sentences thereupon.**

Extortion excepted out of General Pardon.

22, 23 Car. II. (Stat. 2.) Cap. 5.

A.D. 1670.

In an Act, Entituled, *An Act for laying Impoſitions on Proceedings at Law.*

EXP.

XLII. **For every Citation or Monition**, Ad inſtantiam partis, **which ſhall Iſſue out of, or be made in any Eccleſiaſtical Court whatſoever: Four pence.**

XLIII. **For every Libel or Allegation; One ſhilling.**

XLIV. **For every Depoſition of Witneſſes; Four pence.**

XLV. **For every Anſwer, Sentence or Final Decree; Six pence.**

XLVI. **For every Commiſſion Iſſuing out of any Eccleſiaſtical Court,** ad inſtantiam partis; **Two ſhillings.**

Duty upon Citation, 4*d.*

—Libel or Allegation, —1 *s.*

—Depoſition--4*d.*

—Anſwer, Sentence or final Decree—6*d.*

—Commiſſion--2*s.*

CXVIII. **And the ſaid ſeveral duties ariſing within the Court of Arches, or any other Eccleſiaſtical Court aforeſaid, ſhall be received by the Regiſters of the ſaid ſeveral Courts reſpectively.**

—Which ſaid Duties ſhall be received by the Regiſters.

A.D.1693.

5, 6 Will. & Mar. Cap. 21.

In an Act, Entituled, *An Act for the granting to their Majeſties ſeveral Duties upon Vellum*, &c.

—— For every skin or piece of Vellum or Parchment, or ſheet of Paper, upon which ſhall be Ingroſſed or Written any Citation or Monition made in any Eccleſiaſtical Court, or any Libel or Allegation, Depoſition, Anſwer, Sentence or Final Decree, or any Inventory exhibited in any Eccleſiaſtical Court, the Courts of Admiralty or Cinque Ports, or whereupon any Copies of them reſpectively ſhall be Ingroſſed or Written, the ſum of Six pence.

Stamp of Citation, or Monition, — Libel or Allegation — Depoſition, — Anſwer — final Decree, and Inventory — 6 *d.*

— For every Skin or Piece of Vellum or Parchment, or Sheet of Paper, upon which any Commiſſion iſſuing out of any Eccleſiaſtical Court, not herein otherwiſe particularly charged, ſhall be Ingroſſed or Written, the ſum of two ſhillings and ſix pence.

Stamp of Commiſſion, 2 *s.* 6 *d.*

— For every Skin or Piece of Vellum or Parchment, or Sheet of Paper, upon which any — Proteſt, Procuration, Letter of Attorney, or any other Notarial Act whatſoever, ſhall be Ingroſſed or Written, the ſum of Six pence.

Stamp of every Notarial Act -- 6 *d.*

A.D.1697.

9, 10 Will. III. Cap. 25.

In an Act, Entituled, *An Act for granting to his Majeſty, his Heirs and Succeſſors further Duties upon Stampt-Vellum*, &c.

§. I. —— Be it Enacted — that there ſhall be raiſed, collected, and paid unto his Majeſty, his Heirs and Succeſſors † for ever (over and above the rates and duties and ſums of money now due and payable to his Majeſty —) For every Skin. — *

† Stat. 5, 6 *W.* & *M.* was only for 4 Years.
* This Statute is, word for word, the ſame, in all the three Clauſes, as 5, 6 *W.* & *M.*

The ſaid Duties, doubled; — — in all, for thoſe in the firſt and third Clauſes, -- 1 *s.* — for thoſe in the ſecond, 5 *s.*

A.D.1694.

5, 6 Will. & Mar. Cap. 21.

In an Act, Entituled, *An Act for granting to their Majeſties ſeveral Duties upon Vellum*, &c.

— For every Skin or piece of Vellum or Parchment, Sheet or piece of Paper, upon which any Admittance of any Fellow of the College of Phyſicians, or of any Attorney, Clerk, Advocate, Proctor, Notary, or other Officer or Officers in any Court whatſoever, ſhall be ingroſſed or written, the Sum of forty ſhillings.

Stamp of Admiſſion of Advocate, Proctor, Notary, *&c.* 40 *s.*

A.D.1697.

9, 10 Will. III. Cap. 25.

In an Act, Entituled, *An Act for granting to his Majeſty, his Heirs and Succeſſors, further Duties upon Stampt Vellum*, &c.

§. —— Be it enacted —— that there ſhall be raiſed, collected and paid unto his Majeſty, his Heirs and Succeſſors † for ever (over and above the rates and duties and ſums of money now due and payable to his Majeſty —) For every Skin —*

The ſaid Duty doubled; in all 4 *l.* Trebled, 12 *Ann.* (in all 6 *l.*)

TIT. XLV.

PROHIBITIONS, APPEALS, and INHIBITIONS.

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CAP. I.

Spiritual Courts reſtrained by PRÆMUNIRE.

27 Edw. III. Cap. I.

A.D. 1353.

Præmunire *for Suing in a foreign Realm, or impeaching of Judgment given.*

Spiritual Courts reſtrained by Præmunire.

That Judgment given in the King's Courts, may not be impeached in *other* Courts;

FIRST, becauſe it is ſhewed to our Lord the King, by the grievous and clamorous complaints of the great Men and Commons aforeſaid, how that divers of the people be, and have been drawn out of the Realm, to anſwer of things, whereof the Cogniſance pertaineth to the Kings Court: and alſo that the Judgments given in the ſame Court be impeached in another Court, in prejudice and diſheriſon of our Lord the King, and of his Crown, and of all the People of his ſaid Realm, and to the Undoing and Deſtruction of the common Law of this ſame Realm at all times uſed: Whereupon, good deliberation had with the great Men and other of his ſaid Council, it is aſſented and accorded by our Lord the King, and the great Men and Commons aforeſaid, that all the People of the Kings Ligeance, of what condition that they be, which ſhall draw any out of this Realm in plea whereof the cogniſance pertaineth to the Kings Court, or things whereof judgments be given in the Kings Court; or which do ſue [a] in any other Court to defeat or impeach the Judgments given in the Kings Court, ſhall have day, containing the ſpace of two months, by warning to be made to them in the

— whoever ſhall impeach the ſaid Judgment in *another* Court, ſhall have a day to appear before the proper Court;

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3 Inſt. 120, 121. Vid. ſupra, p. 68.

[a] **In any other Court.**] It cannot be doubted, but this Statute was *principally* intended againſt Impeachments in the *Court of Rome*, of ſuch Judgments as had been given in the *King*'s Courts. But the Words both of the Preamble, and of the Enacting part, being general [**In another Court. In any other Court,**] my Lord *Coke*, where he enumerates the Miſchiefs remedied by this Act, reckons this as one, "That after Judgments given in the King's "Courts of the Common Law, of matters determinable by "the Common Law, Suits were commenced in *other* Courts "*within this Realm*, to defeat or impeach thoſe Judg-"ments;" and among theſe *other Courts*, he reckons the *Eccleſiaſtical Courts*. For the ſupport of which Interpretation, he cites a Judgment, 6 *Edw.* 1. where the Biſhop of *Exeter* having procured Excommunication againſt all that were concern'd in a Suit, in which Judgment had been given againſt him and his Tenants before the Juſtices of *Oier* and *Terminer*; the Record ſaith, That Judgments given in the King's Court, *ne devient eſtre en* autri Court *recreces*, *&c.* To the ſame purpoſe, is alleged the Oath taken two Years after the making of this Act, by thoſe who were call'd in queſtion upon the Statute of *Præmunire*, *Quòd non attemptabunt*, citra mare *vel* ultra, *quod in præjudicium Regis*, *Legum*, *ſeu Coronæ*, *ſeu* Judiciorum *in* Curia Regis *redd. tendere valeat quoquo modo*, *&c.* and the Writ of *Præmunire*, which was brought againſt one, 29 *Eliz.* upon this Statute, for ſuing in the Court of Audience of the Archbiſhop of *Canterbury*, to impeach a Judgment given in a *Quare impedit*, before the Juſtices of Aſſize in the County of *Suffolk*.

Ibid. p. 123.

Ibid. p. 120.

Ibid. p. 122.

place

Spiritual Courts reſtrained by Præmunire.

place where the poſſeſſions be which be in debate, or otherwiſe where they have lands, or other poſſeſſions, by the Sheriffs, or other the Kings Miniſters, to appear before the King and his Council, or in his Chancery, or before the Kings Juſtices in his places of the one Bench or the other, or before other the Kings Juſtices, which to the ſame ſhall be deputed, to anſwer in their proper perſons to the King of the contempt done in this behalf. And if they come not at the ſaid day in their proper perſon to be at the Law, they, their Procurators, Atournies, Executors, Notaries, and Maintainors, ſhall from that day forth be put out of the Kings protection, and their lands, goods and chattels forfeit to the King, and their bodies whereſoever they may be found, ſhall be taken and impriſoned, and ranſomed at the Kings will. And upon the ſame a writ ſhall be made to take them by their bodies, and to ſeiſe their lands, goods, anv poſſeſſions, into the Kings hands. And if it be returned that they be not found, they ſhall be put in exigent and outlawed.

—and if they come not at the day, they ſhall be put out of the King's Protection, and their Lands, *&c.* forfeited, and they, impriſoned,

—and not being found at all, outlawed ;

Provided always, that at what time they come before they be outlawed, and will yield them to the Kings priſon, to be juſtified by the Law, and to receive that which the Court ſhall award in this behalf, that they ſhall be thereunto received : The forfeiture of the lands, goods and chattels abiding in their force, if they do not yield them within the ſaid two months, as afore is ſaid.

—but if they come before they be outlawed, they ſhall be admitted to Law.

A.D.1392.

16 Ric. II. Cap. 5.

In an Act, Entituled, Præmunire *for purchaſeing of Bulls*, &c.

——Whereupon our ſaid Lord the King, by the aſſent aforeſaid, and at the requeſt of his ſaid Commons, hath ordained and eſtabliſhed, that if any purchaſe or purſue, or cauſe to be purchaſed or purſued in the Court of Rome *b* or elſewhere, any

Perſons purſuing in another Court, what belongs to the King,

3 Inſt. p. 120.

Cof. Apol. p. 126.

b **Or elſewhere.**] This hath been interpreted by the Books of Common Law, to be a Reſtraint upon the Ordinary Spiritual Courts of this Realm, from intermedling in any matters of a Temporal nature ; and that if they do, they are ſubject to a *Præmunire* according to this Statute. And tho' it hath been alledg'd, that the Words, *Or elſewhere*, may be fairly interpreted of the Popes reſiding *elſewhere than at Rome*, as at *Avignion*, where they did reſide about that time for 70 Years together ; and that it had been credibly reported, that certain learned Judges (when living) were of opinion, That for an *Eccleſiaſtical* Judge to deal in a Matter appertaining to a Temporal Court, yet for ſome nearneſs and coherence, by him probably ſuppoſed to be an Eccleſiaſtical Cauſe, could not at this day be a *Præmunire*, but ſubject only to a Prohibition, and puniſhable as a Contempt, as it was at the Common Law, upon an Attachment after Prohibition ; and tho', laſtly, the Suppoſition of ſuch a terrible Puniſhment for a *Miſtake*, ſeems to carry in it great Rigor and Hardſhip, eſpecially, when the Temporal Courts have other *ſufficient* Remedies againſt the Encroachments of the Spiritual ; yet, notwithſtanding all this, it is very certain, that the Words were taken and underſtood in the Senſe that my Lord *Coke* gives them, long before the Reformation ; as appears, not only from the ſeveral Judgments of *Præmunire* againſt Ordinaries, and others, upon Suits in the Eccleſiaſtical Courts for Temporal Cauſes ; but alſo from the repeated Endeavours of the Biſhops and Clergy in Convocation, for Redreſs againſt this Obſtruction and Perſecution from the Temporal Courts. In the courſe of which Endeavours, they did, *Ann.* 1439. obtain an Anſwer from the King to this effect, "That tho' he had not "fully deliberated with his Council about it, he would give "Order that no ſuch Writ ſhould iſſue, before the next "Parliament, but what was firſt approved by him and his "Council.

3 Inſt. p. 120, 121.

Act. Conv. *Ann.* 1434, 1439, 1444. V. *Ant.* Britan. (in *Stafford*,) p. 287.

It is affirmed in the Acts of Convocation, *Ann.* 1434. That ſuch Writs had had their Courſe in *England* but within theſe *few* Years ; and all the Judgments referred to by my Lord *Coke* (except *one* in the time of *Edw.* 4.) were given in the time of *Hen.* 7. So that, very probably, at the time of the making this Statute, and during the Reigns of *Henry* the 4th, *Henry* the 5th, and *Henry* the 6th, it was underſtood (according to the plain *drift* and *tendency* of the Act,) to be a Prohibition *only* from ſuing at the *Court of Rome*, in Matters which belonged to the King's Courts.

After the Stat. 1 *Eliz. c.* 1. had reſtor'd to the Crown all Spiritual and Eccleſiaſtical Power within this Realm ; it was pleaded, againſt the ſaid Interpretation, and in behalf of the Liberties of the Church, that, however Proceedings in the Spiritual Courts might be ſaid to be in derogation of the Royal Dignity, while the Pope uſurped all Spiritual Juriſdiction, and while it was in fact *ſeparated* from the Crown ; yet, being now *united* to the Crown, both in Fact and Law, and the Laws and Judges ſtyl'd the King's Eccleſiaſtical Laws, and the King's Eccleſiaſtical Judges ; none of their Proceedings could properly be ſaid (according to the tenor of the Writ) to be *in Coronæ & Regiæ Dignitatis Præjudicium* ; and no Proceedings but what were ſo, could be liable to that Writ. But this Point coming under conſideration in the 5*th* year of K. *James* the firſt, it was reſolved by divers Juſtices, "That all ſuch Proceedings, "by colour of Eccleſiaſtical Law, before any Eccleſiaſtical "Judges, who were in danger of Præmunire *before* the "ſaid Act, 1 *Eliz.* are now in caſe of Præmunire *after* the "ſaid Act :' And, by way of Anſwer to the Objection juſt now mention'd, it was ſaid, "That altho' *both* Juriſ"dictions belong to the Crown, yet, inaſmuch as the "Crown itſelf is directed deſcendable by the Common "Law, and all Treaſons againſt the Crown puniſhed by "this Law ; when the Eccleſiaſtical Judge uſurps upon the "Common Law, it is ſaid, *contra Coronam & Dignitatem*, "*&c.*

12 Rep. 37.

Ibid. p. 38.

My Lord *Coke* lays down three Rules, by which it may be judged, in what Caſes a *Præmunire* lies, and in what not.

Ibid. p. 39. 2 Cro. 133, 134.

1. When the Cauſe *originally* belongs to the Cognizance of the Eccleſiaſtical Court, and Suit is proſecuted there in the ſame nature as the Cognizance belongs to them (altho', in truth, all Circumſtances being diſcloſed, it belongs to the King's Court and the Common Law,) yet no *Præmunire* lies : as, if Suit be for *Subtraction of Tythes*, when in reality they were ſevered from the nine parts, and carried away ; or, for *ſylva cædua* under the age of 20 years, whereas they were above that Age : In theſe and the like Caſes, *Præmunire* lieth not, but only Prohibition, becauſe (being of Spiritual Cognizance according to the tenor of the Libel) it may be, that neither the Plaintiff nor Judge *knew* the Circumſtances which devolved the Cognizance to the Temporal Courts.

2. Although the Cauſe originally appertains to the Cognizance of the Eccleſiaſtical Court ; yet if it be ſued-for in the nature of a Suit which belongs to the Common Law, (as if a Parſon ſues, for carrying away his Tythes ſevered from the nine parts, or for Tythes of Wood above 20 years

—ſhall be put out of the King's Protection, and forfeit Lands, Goods, &c. with Impriſonment, by Judgment of the King and Council;

—or Proceſs ſhall be made againſt them by *Præmunire facias.*

Spiritual Courts reſtrained by Præmunire.

ſuch Tranſlations, Proceſſes, and Sentences of Excommunications, Bulls, Inſtruments, or any other things whatſoever, which touch the King, againſt him, his Crown, and his Regalty, or his Realm, as is aforeſaid, and they which bring within the Realm, or them receive, or make thereof Notification, or any other Execution whatſoever, within the ſame Realm or without, that they, their Notaries, Procurators, Maintainors, Abettors, Fautors and Counſellors, ſhall be put out of the King's Protection, and their Lands and Tenements, Goods and Chattels, forfeit to our Lord the King: and that they be attached by their Bodies, if they may be found, and brought before the King and his Council, there to anſwer to the Caſes aforeſaid; or that Proceſs be made againſt them by Præmunire facias, in manner as it is ordained in other Statutes of Proviſors, and other, which do ſue in any other Court, in derogation of the Regalty of our Lord the King.

growth; in which, and the like Caſes, it is apparent to the Eccleſiaſtical Court by the Libel, that the Matter appertains to the Common Law,) *Præmunire* lies.

3. When the Cauſe originally belongs to the Cognizance of the Common Law, and not to the Eccleſiaſtical Court; there, although they libel for it according to the courſe of the Eccleſiaſtical Law, yet the *Præmunire* lies, becauſe this draws the Cauſe, which is determinable at the Common Law, *ad aliud Examen, viz.* to be decided by the Civil or Eccleſiaſtical Law; and ſo, deprives the Subject of the Benefit of the Common Law, which is his Birth right.

Journ. Proc. v. *Burn.* V. 2 App. p. 269. Art. 8, 9.

In the Journal of Parliament, 4 *E.* 6. we find mention made of a Bill there depending, with this Title, *That no Spiritual Perſons ſhall incur* Præmunire *for executing his Office, till forbid by Prohibition.* And it ſeems to be a great hardſhip, that Eccleſiaſtical Judges, in executing the Laws of the Church, ſhould lie under any ſuch terrible Apprehenſion, as is that of a *Præmunire*; ſince the Juriſdiction of the Temporal Courts is ſecured by an † Action upon the Caſe, for ſuing in the Spiritual Court for a Temporal Matter; by Prohibition to the Court to ſtay ſuch Suit, and Proceſs; and by ‡ Attachment and Fine, with Damages and Coſts to the Party aggrieved, if they go on, notwithſtanding the Prohibition.

† 2 Cro. 133. 12 Rep. 128.

‡ 1 Len. 111. 2 Bulſtr. 285. 1 Ventr. 348, 350. 3 Cro. 559.

As to *Prohibitions*, many Forms thereof are inſerted in the Courſe of this Work; and for the *Attachment*, it is of the following tenor.

Reg. f. 35, a.

Rex vic' ſalutem. "Si A. fecerit te ſecurum de clamore "ſuo proſequendo, tunc pone per vadium & ſalvos Plegios "B. talem Ordinarium, quòd ſit coram nobis vel Juſticiariis "noſtris, &c. oſtenſurus quare cùm placita de laico feodo "in regno noſtro ad nos & coronam & dignitatem noſtram, "& non ad alium pertineant in eodem regno; idem A. ficut ex relatu &c. tenuit placitum vel ſecutus eſt placitum "in curia chriſtianitatis, de laico feodo T. perſonæ Eccleſiæ "de I. in F. in læſionem coronæ & dignitatis noſtræ, & "contra prohibitionem noſtram. Et habeas, &c.

I will only add, upon this Head, what Archbiſhop *Bancroft*, in his Objections againſt the heavy Reſtraints of the Temporal Courts upon the Spiritual, made his *concluding* Motion to the Lords of the Council:

2 Inſt. p. 617. Obj. 25.

"Whereas, for the better preſerving of his Majeſties two "Juriſdictions, the *Eccleſiaſtical* and the *Temporal*, that the "one might not uſurp upon the other, two means heretofore have of ancient time been ordained, that is to ſay, "the Cenſure of *Excommunication*, and the Writ of *Prohibition*; the one to reſtrain the Encroachments of the Temporal Juriſdiction upon the Eccleſiaſtical, the other of "the Eccleſiaſtical upon the Temporal; We moſt humbly "deſire your Lordſhips, that by your means the Judges "may be induced to reſolve us, why *Excommunications* may "not as freely be put in uſe, for the preſervation of the "Juriſdiction Eccleſiaſtical, as *Prohibitions* are, under pretence to defend the Temporal; eſpecially, againſt ſuch "contentious Perſons as do wittingly and willingly, upon "falſe and frivolous Suggeſtions, to the delay of Juſtice, "Vexation of the Subjects, and great Scandal of Eccleſiaſtical Juriſdiction, daily procure, without fear either of "God or Men, ſuch undue Prohibitions, as we have heretofore mentioned.

To which, the Anſwer of the Judges, is,

"The Excommunication cannot be gainſaid; neither may "the Prohibition be denied, upon the Surmiſe made, that "the matter purſued in the Eccleſiaſtical Court, is of Temporal Cognizance: but aſſoon as that ſhall appear to us "judicially to be falſe, we grant the Conſultation.

CAP. II.

Of PROHIBITIONS.

BONIFACIUS.

A.D. 1261. 45 *H.* 3.

De Cauſis merè Spiritualibus Prælati etiam à Rege in Jus vocati non compareant, ſed, ob reverentiam Regiam, Regem adeant, verbis aut Literis ſignificaturi, quòd ſine Ordinis periculo in ea re parere non poſſint. Demonſtraturi etiam, per ſe aut per Coëpiſcopos & Comprælatos, Cauſam ad Regem non pertinere; & ſi nihilominus à pluribus admonitus Rex non deſtiterit, procedant contra ejus Vicecomites, & cæteros Officiarios, Jure Eccleſiaſtico, eis Communionem interdicentes.

The Eccleſiaſtical Judges are frequently called to anſwer before the Secular Judges in cauſes merely Spiritual,

Of Prohibitions.

Lyndw. Edit. Oxon. p. 314.

ÆTernæ Sanctio voluntatis, *& infrà.* Cum ſæpè contingat, Archiepiſcopos, Epiſcopos, & alios Prælatos inferiores per Literas Domini Regis ad Sæculare Judicium evocari, ut ibi reſpondeant ſuper his quæ merè ad ipſorum Officia & Forum Eccleſiaſticum pertinere noſcuntur, ut ſi fortè Clericos ad Eccleſias & Capellas vacantes ſeu non vacantes admiſerint, vel non admiſerint, Rectores inſtituerint, vel non inſtituerint, in eiſdem ſuos Subditos Excommunicaverint, Excommunicatos denunciaverint, interdixerint, Eccleſias dedicaverint, Ordines celebraverint, de Cauſis merè Spiritualibus cognoverint, utputà de Decimis, & Oblationibus, Limitibus Parochiarum, & ſimilibus, quæ non poſſunt ad Sæculare Forum aliquatenus pertinere; ſive etiam cognoverint de peccatis Subditorum

Of Prohibitions.

torum & eorum exceſſibus, ſicut de Perjurio, Fidei tranſgreſſione, Sacrilegio, violatione aut perturbatione Eccleſiaſticæ Libertatis, præſertim cùm ipſius Violatores, necnon Libertatum Perturbatores, per *c* Chartas Domini *d* Regis *Angliæ* Eccleſiæ conceſſas in Sententiam Excommunicationis incidant ipſo facto: Et ſi inter Clericos ſuos cognoſcant, vel inter Laicos conquerentes, & Clericos defendentes in perſonalibus Actionibus, ſuper contractibus vel quaſi, delictis vel quaſi, etiam ſi perſonas Eccleſiaſticas ad mandatum Domini Regis in Foro Sæculari Amerciatas non compulerint ad Amerciamenta hujuſmodi ſolvenda; ſeu ipſa non ſolverint pro eiſdem, ſi Juriſdictionem ſuam in Eccleſiis, vel Capellis, Epiſcopatibus ſeu Monaſteriis annexis, per mortem Prælatorum, aut ceſſionem vacantibus, exercuerint Canonicam & conſuetam: Et ſiqua hujuſmodi fecerint vel non fecerint pertinentia ad Officia eorundem, Statuimus, auctoritate præſentis Concilii, quòd Archiepiſcopi, Epiſcopi, & cæteri Prælati non veniant pro hujuſmodi Spiritualibus evocati, cùm judicandi Chriſtos Domini nulla ſit Laicis attributa poteſtas, apud quos neceſſitas manet obſequendi. Ut tamen honori Regio deferatur, majores Prælati Dominum Regem adeant, vel ſibi ſcribant, quòd hujuſmodi mandatis Regiis parere non poſſunt abſque periculo ſui Ordinis. Et ſi fortè Dominus Rex in ſuis Attachiationibus, Prohibitionibus, Summonitionibus, non de Decimis, ſed de Jure Patronatûs; non de fide mentita ſeu perjurio, ſed de Catallis; non de Sacrilegio vel perturbatione Eccleſiaſticæ Libertatis, ſed de tranſgreſſione Subditorum ſuorum, & Ballivorum, quorum correctiones ad ſe aſſerit pertinere, fecerit mentionem: tunc intiment ei Prælati prædicti, quod non de patronatu, Catallis, ſeu aliis ad Forum ipſius pertinentibus cognoſcunt, vel cognoſcere intendunt, ſed de Decimis, Peccatis, & aliis merè Spiritualibus ad Officium & Juriſdictionem eorum pertinentibus, & ad Animarum ſalutem; monendo & rogando, 'quod ipſos non impediat in præmiſſis. Et nihilominus *dd* Epiſcopus Dominum Regem adeat, & iteratò moneat, ut ſuæ Animæ ſaluti conſulat, & ab hujuſmodi *ddd* mandatis omnino deſiſtat. Et ſi non deſtiterit, tunc ad denunciationem Epiſcopi, Archiepiſcopus, convocatis duobus Epiſcopis, vel tribus, vel pluribus, quos duxerit evocandos, ſi in Provincia extiterint, alioquin *Londinenſis* Epiſcopus tanquam Epiſcoporum Decanus, duobus Epiſcopis vel pluribus ſibi adjunctis, Dominum Regem adeant, & ipſum moneant, diligentiùs requirentes, quod mandatis ſuperſedeat ſupradictis. Et ſi Dominus Rex, ſpretis hujuſmodi exhortationibus & monitionibus, ad Attachiationes hujuſmodi, vel diſtrictiones, per ſe, vel per alios proceſſerit; tunc Vicecomites, & alii quicunque Ballivi ipſos Attachiantes & Diſtringentes, per locorum Diœceſanos in forma Juris per Excommunicationis & Suſpenſionis Sententias arceantur. Idem fiat ſi Vicecomites aut Ballivi ad Attachiationes & Diſtrictiones proceſſerint, pendentibus ſupradictis monitionibus Domino Regi taliter faciendis. Et ſi Vicecomites vel Ballivi in ſua duritia *e* perſeveraverint, loca in quibus commorantur, & terræ eorum, quas habent in Provincia *Cantuarienſi*, per locorum Diœceſanos ad denunciationem Diœceſani, in cujus Epiſcopatu tales fiunt Diſtrictiones, Interdicto Eccleſiaſtico, præſentis auctoritate Concilii, ſupponantur. Et ſi taliter Attachiantes Clerici fuerint, & Beneficiati, ab Officio ſuſpendantur; & ſi in eorum malitia perſeveraverint, ad deſiſtendum & ſatisfaciendum per ſubtractionem Proventuum Beneficiorum ſuorum arceantur. Non Beneficiati verò per quinquennium, ſi ad Beneficium Eccleſiaſticum in Provincia *Cantuarienſi* præſentati extiterint, minimè admittantur. Clerici verò, qui Brevia hujuſmodi Attachiationum ſeu Diſtrictionum dictaverint, ſcripſerint, ſignaverint, conſilium aut auxilium dederint ſeu adhibuerint, *ee* Canonicè puniantur; nec aliqui, præmiſſorum certa ratione ſuſpecti, ad aliquod Beneficium Eccleſiaſticum obtinendum, donec ſuper his Canonicè ſe purgaverint, admittantur. Et ſi Dominus Rex competenter monitus, vel alia Sæcularis poteſtas, hujuſmodi Attachiationes non revocaverit, Epiſcopus, qui diſtrictus fuerit, terras, vicos, villas, & caſtra, quæ Dominus Rex, vel alia Sæcularis poteſtas in ſuo Epiſcopatu obtinet, Eccleſiaſtico Interdicto ſupponat. Et ſi Rex, vel alia Sæcularis poteſtas in ſua duritia perſeveret, cæteri Co-epiſcopi Diſtrictionem hujuſmodi quaſi communem omnium, & etiam in communem injuriam Eccleſiæ reputantes, Civitates, Terras Dominicas, Burgos, Caſtra, & Villas ipſius Regis, vel alterius poteſtatis, in ſuis Epiſcopatibus exiſtentes, præſentis auctoritate Concilii Eccleſiaſtico ſupponant Interdicto. Et ſi nec ſic infra viginti dies poſtmodum Attachiationes & Diſtrictiones hujuſmodi Rex revocaverit, aut ob hoc manum contra Eccleſiam aggravaverit, Archiepiſcopus & Epiſcopi ſuas Diœceſes ſupponant Eccleſiaſtico Interdicto. Idem fiat de Terris, Caſtris, & Burgis, Regalia habentibus in Provincia memorata. Et ſi aliquis Epiſcoporum in hac parte inventus fuerit negligens aut remiſſus, per ſuum Metropolitanum graviter arguatur; & ſi perſeveraverit in ſua negligentia, Canonicè puniatur per eundem: & nihilominus ſua Diœceſis, omnium Prælatorum, & ſua auctoritate & conſenſu, in præſenti Concilio adhibitis, Eccleſiaſtico ſubjaceat Interdicto. Et ſi fortè ab aliquo Epiſcopo vel Judice Eccleſiaſtico, vel inferiori Prælato, compulſo per Diſtrictiones, vel

—and in Cauſes of Correction;

—alſo, for judging in the Perſonal Actions of the Clergy,

—and not forcing them to pay temporal Amerciaments,

—and for exerciſing Juriſdiction in Appropriate Churches,

Archbiſhops and Biſhops ſhall not appear, when called;

—and if the Attachments, Prohibitions, &c. of the King mention temporal Cauſes,

—they ſhall anſwer, that they take cognizance only in a Spiritual way;

—and ſhall ſolemnly admoniſh the King to deſiſt:

—which if he will not do, his Officers ſhall be Excommunicated and Suſpended;

—and, remaining obſtinate, ſhall be put under an Interdict;

—or, if Clergymen, ſhall be ſuſpended, ſequeſtred or incapacitated.

Clerks, making ſuch Writs, ſhall be alſo incapacitated,

—and the King, or other Secular Power, perſiſting, ſhall be put under an Interdict;

—and alſo the Biſhops ſhall be ſeverely puniſhed, if they neglect.

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c Chartas.] *Quarum una dicitur* Magna Charta; alia, Charta de Foreſtâ. Lyndw.

d Regis.] *Scil. Henr.* 3. Lyndw.

dd Epiſcopus.] *In cujus Diœceſi fiunt talia Gravamina.* Lyndw.

ddd Mandatis.] *Impedientibus Judices Eccleſiaſticos, nè poſſint liberè exercere ea quæ ſpectant ad eorum Officia, & Juriſdictionem Eccleſiaſticam.* Lyndw.

e Perſeveraverint.] *Supple, Procedendo contra tales Prælatos; non obſtantibus Monitionibus eis factis, & ſuſtinendo Cenſuras Suſpenſionis & Excommunicationis contra eos latas.* Lyndw.

ee Canonicè.] *Ad arbitrium Epiſcopi; cùm hìc non limitatur Pœna.* Lyndw.

The Perſon who is Attached, ſhall not ſhew the Proceſs;

—and the Body of the Party arreſted, if a Clergyman, ſhall be demanded.

ſpontaneè, comparente coram Domino Rege vel Juſticiariis ſuis, ut alleget Privilegium Fori, niſi in caſu à Judice permiſſo, ut eos moneat ut à prædictis deſiſtant injuriis, exigantur Acta proceſſûs ſui, ut per ea appareat utrum contra Prohibitionem Regiam in aliquo prædictorum caſuum vel conſimilium proceſſerit, vel petantur ſuper his Juramenta, Excuſationes, vel Purgationes; nullo modo exhibeat Acta, vel juret, cùm inſtrumenta hujuſmodi poſſint à Partibus, vel aliqua Partium, ſi neceſſe fuerit, exhiberi. Et ſi Clericus fuerit, qui propter hoc fuerit arreſtatus, Diœceſanus taliter arreſtati vel impetiti Clerici, vel Archiepiſcopus, aut Epiſcopus *Londinenſis*, tanquam Epiſcoporum Decanus, cum aliquibus Epiſcopis ſibi aſſociatis, ſicut ſi fuerit Epiſcopus arreſtatus, requirat eum, & Puniant detentores: Et ſi neceſſe fuerit, in hoc caſu procedatur ad pœnas ſuperiùs annotatas.

BONIFACIUS.

A.D. 1261. 45 *H.* 3.

Delatores, qui Prælatos Eccleſiaſticos de occupatione Juris Regii falsò accuſant, niſi damnum & gravamen reparaverint, Excommunicati denuncientur publicè, tanquam Eccleſiaſticæ libertatis impugnatores, donec ſatisfecerint.

The Eccleſiaſtical Judges are falſly complained of, for medling in Temporal matters; — whoſe Accuſers ſhall be admoniſhed to deſiſt, and Excommunicated, till they make reparation.

Lyndw. Edit. Oxon. p. 353.

CUM ſæpiùs Domino Regi & Juſtitiariis ejus falsò ſuggeratur, quòd Prælati & Judices Eccleſiaſtici de Jure Patronatûs, Catallis, & aliis ad Forum Regium ſpectantibus cognoſcunt, in Domini Regis præjudicium; cùm iidem Prælati & Judices ſuper Decimis, Peccatis, & Exceſſibus ſuorum Subditorum, ſuæ Juriſdictionis officium, prout ad eos pertinet, exerceant: Moneantur hujuſmodi delatores & ſuggeſtores iniqui, ut à tali ſuggeſtione & delatione deſiſtant. Quòd ſi Prælatos & Judices Eccleſiaſticos ſic delatos damnificari ſeu vexari propter hoc per Sæcularem poteſtatem contigerit, hujuſmodi ſuggeſtores & delatores Excommunicati publicè nuncientur, tanquam impugnatores Eccleſiaſticæ libertatis, donec de expenſis, damnis, & injuriis, tam Judicibus quàm Partibus ratione hujuſmodi ſuggeſtionis illatis, ſatisfecerint competenter.

BONIFACIUS.

A.D. 1261. 45 *H.* 3.

In Conſt. *Contingit aliquando, &c.* Sub. Tit. *De Foro Competenti.*

Eccleſiaſticks, being amerced by Secular Judges, ſhall defend themſelves by Excommunication and Interdict.

Lyndw. Edit. Oxon. p. 96.

Idem fiat, quotieſcunque fuerint Amerciati viri Eccleſiaſtici per Judicem ſecularem, pro his, quæ ad forum Eccleſiaſticum merè pertinere noſcuntur.

18 Edw. III. (Stat. 3.) Cap. 5.

A.D. 1344.

No Prohibition ſhall be awarded, but where the King hath Cognizance.

No Prohibition ſhall iſſue, but where the King hath cognizance. 2 *Inſt.* 609.

ITEM, **That no prohibition ſhall be awarded** *eee* **out of the Chancery, but in caſe where we have the Cognizance, and of right ought to have.**

eee **Out of the Chancery.**] *Ann.* 3. *Jac.* I. the 14*th* Article offer'd to the Council by Archb. *Bancroft*, was as follows: *Amongſt the Cauſes whereby the Eccleſiaſtical Juriſdiction is oppreſſed with multitude of* Prohibitions, *upon ſurmiſes only, this hath a chief Place, in that, through Incroachment (as we ſuppoſe) there are ſo many ſeveral Courts, and Judges in them, that take upon them to grant the ſame, as in the King's Bench five, and in the Common-Pleas as many, the one Court oftentimes croſſing the Proceedings of the other; whereas we are perſwaded, that all ſuch kinds of* Prohibitions, *being original Writs, ought only to iſſue out of the Chancery, and neither out of the King's-Bench, nor Common-Pleas. And that this hath been the ancient Practice in that behalf, appeareth by ſome Statutes of the Realm, and ſundry Judgments at the Common-Law; the renewing of which Practice carrieth with it an apparent ſhew of great Benefit and Conveniency, both to the Church, and to the Subject: For, if* Prohibitions *were to iſſue only out of one Court, and from one Man of ſuch Integrity, Judgment, Sincerity and Wiſdom, as we are to imagine the Lord Chancellor of* England *to be endu'd with, it is not likely, that he would ever be induc'd to prejudice and peſter the Eccleſiaſtical Courts with ſo many needleſs Prohibitions; or, after a Conſultation, to ſend out in one Cauſe, and upon one and the ſame Libel not alter'd, Probibition upon Prohibition; his own Act remaining upon Record before him to the contrary. The further conſideration whereof, when, upon the Judges Anſwer thereunto, it ſhall be more thoroughly debated, we muſt refer your Lordſhips honourable Direction and Wiſdom.*

To this the Anſwer of the Judges was:

A ſtrange Preſumption in the Eccleſiaſtical Judges, to require that the King's Courts ſhould not do that which by Law they ought to do, and always have done, and which by Oath they are bound to do. And if this ſhall be holden inconvenient, and they can in diſcharge of us obtain ſome Act of Parliament, to take it from all other Courts than the Chancery, they ſhall do unto us a great eaſe: But the law of the Realm cannot be changed, but by Parliament; and what relief or eaſe ſuch an Act may work to the Subject, wiſe Men will ſoon find out and diſcern.

A.D. 1344.

18 Edw. III. (Stat. 3.) Cap. 6.

Temporal Juſtices ſhall not enquire of Proceſs awarded by Spiritual Judges.

ITEM, Whereas Commiſſioners be newly made by divers Juſtices, that they ſhall make inquiries upon Judges of holy Church, whether they made juſt Proceſs or exceſſive, in cauſes teſtamentary and other, which notoriouſly pertaineth to the Cognizance of holy Church; the ſaid Juſtices have enquired, and cauſed to be indicted, Judges of holy Church, in blemiſhing of the Franchiſe of holy Church: That ſuch Commiſſions be repealed, and from henceforth defended: Saving the Article in Eyre, ſuch as ought to be.

Commiſſions to enquire concerning the Proceſs of Spiritual Judges, ſhall ceaſe.

A.D. 1709.

8, 9 Will. III. Cap. 11.

In an Act Entituled, *An Act for the better preventing Frivolous and Vexatious Suits.*

§. III. And be it further Enacted by the authority aforeſaid, That — in all Suits upon Prohibitions, the Plaintiff obtaining Judgment, or any award of execution after Plea pleaded, or Demurrer joined therein, ſhall likewiſe recover his Coſts of Suit: And if the Plaintiff ſhall become Non-ſuit, or Suffer a Diſcontinuance, or a Verdict ſhall paſs againſt him, the Defendant ſhall recover his Coſts, and have Execution for the ſame, in like manner as aforeſaid.

In Suits upon Prohibitions, Coſts ſhall be recovered.

CAP. III.

Divers HEADS, *on which Prohibitions do, or do not,* LIE.

Excerpta ex Reſponſionibus *Regiis.*

De merè ſpiritualibus (ut infrà hîc notatis 13. *caſibus) dummodo correctionem morum non lucrum pecuniarium prætendant, judicent Eccleſiaſtici.*

Divers Heads, on which Prohibitions do, or do not, Lie.

[f] CIrcumſpectè agatis, & *infrà*, de negotio tangente [g] *Norwicenſem* Epiſcopum, & ejus Clerum; non puniendo eos, ſi Placitum tenuerint de his quæ ſunt [h] merè Spiritualia, videlicet de correctionibus quas Prælati faciunt pro [i] mortali peccato, utputà pro Fornicatione, Adulterio, & [ii] hujuſmodi; pro quibus aliquando infligitur [k] pœna corporalis, aliquando pecuniaria: maximè ſi convictus fuerit de hujuſmodi liber homo. Item ſi Prælatus puniat pro Eccleſia non facta; Cœmeterio non clauſo; Eccleſia diſcooperta, vel non decenter ornata: in quibus caſibus non poteſt infligi alia pœna quàm pecuniaria. Item ſi Rector petat à Parochianis ſuis Oblationes vel Decimas debitas vel conſuetas: vel ſi Rector contra alium Rectorem agat de Decimis majoribus vel minoribus, dummodo non petatur quarta bonorum alicujus Eccleſiæ. Item ſi Rector petat mortuarium in partibus ubi mortuarium dari conſuevit. Item ſi Prælatus alicujus Eccleſiæ, vel Advocatus, petat à Rectore penſionem ſibi debitam: nam omnes hujuſmodi penſiones petendæ ſunt in foro Eccleſiaſtico. De violenta etiam manuum injectione in Clericum, & in cauſa diffamationis, Placitum tenebitur in Curia Chriſtianitatis, dummodo ad correctionem peccati agatur, & non petatur pecunia.

Prohibition ſhall not lie,

— for repair of Churches and Churchyards,

— nor for Oblations and Tythes,

— nor for Mortuaries,

— nor for Penſions,

— nor for laying violent hands on a Clerk,

— nor for Defamation.

Lyndw. Edit. Oxon. p. 96.

[f] Circumſpectè agatis.] *Iſtud Capitulum non eſt Conſtitutio Provincialis, ſed emanavit à Decreto Domini Regis; quomodo, viz. Juſticiarii ſui miſſi in Diæceſ' Norwicen' ad aliqua ibidem ex parte Regis facienda & inquirenda, ſe, quoad Clerum ejuſdem Diæceſis, abſtinerent ab infrà ſcriptis; dimittentes ea Foro Eccleſiaſtico, & Eccleſiæ Judicio, terminanda & decidenda.* Lyndw.

[g] Norwicenſem Epiſcopum.] *Rex enim miſit certos Juſticiarios ſuos ad procedend' ſub certâ formâ contra Epiſcopum Norwicen' & alios de Clero ſibi adhærentes; quibus poſteà Rex ſcripſit, ut hîc habetur.* Lyndw.

[h] Merè Spiritualia.] *Sic dicta, quia non habent* mixturam *Temporalium.* Lyndw.

[i] Mortali Peccato] *Non intelligas de omni Peccato mortali, ſed de tali cujus Punitio de ſui naturâ ſpectat ad Forum Eccleſiaſticum: Nam ſi ratione cujuſlibet Peccati mortalis cognoſceret Eccleſia, ſic periret Temporalis Gladii Juriſdictio, cùm vix eſſet dare Cauſam, quin ratione Peccati poſſit deferri ad Eccleſiam.* Lyndw.

[ii] Hujuſmodi.] *Videlicet, Stupro, Inceſtu, & aliis quæ ſub Peccato Luxuriæ continentur.* Lyndw.

[k] Pœna Corporalis.] *Ut putà, Diſciplinatio publica coram Proceſſione, vel in aliis publicis locis fienda.* Lyndw.

Divers Heads, on which Prohibitions do, or do not, Lie.

13 Edw. I.

The Statute Circumſpectè agatis, *made* 13 Ed. I. and *Anno Dom.* 1285.

Certain Caſes, wherein the King's Prohibition doth not lie.

A.D.1285.

Prohibition ſhall not lie,

—in caſe of Penance for deadly Sin;

—nor for repair of Churchyards, or Churches;

[l] THE King, to his Judges, ſendeth Greeting. Uſe your ſelves circumſpectly in all matters concerning the Biſhop of Norwich and his Clergy; not puniſhing them, if they hold plea in Court Chriſtian of ſuch things as be meer ſpiritual, that is to wit, of Penance enjoyned by Prelates for deadly Sin, as Fornication, Adultery, and ſuch like, for the which ſometimes corporal penance, and ſometimes pecuniary is enjoyned, ſpecially if a Freeman be convict of ſuch things. Alſo if Prelates do puniſh for leaving the Church-yard uncloſed, or for that the Church is uncovered, or not conveniently decked, in which caſes none other penance can be enjoyned but pecuniary.

—nor for Oblations and Tythes;

Item, If a Parſon demand of his Pariſhioners oblations or tithes due and accuſtomed, or if any Parſon do ſue againſt another Parſon for tithes greater or ſmaller, ſo that the fourth part of the value of the Benefice be not demanded.

—nor for Mortuaries;

Item, If a Parſon demand Mortuaries in places where a Mortuary hath been uſed to be given.

—nor for Penſion;

—nor for laying violent hands on a Clerk;

—nor for Defamation.

Item, If a Prelate of a Church, or a Patron, demand of a Parſon a Penſion due to him; All ſuch demands are to be made in a Spiritual Court. And for laying violent hands on a Clerk, and in cauſe of defamation, it hath been granted already, that it ſhall be tried in a Spiritual Court, when mony is not demanded, but a thing done for puniſhment of Sin, and likewiſe for breaking an Oath. In all caſes afore rehearſed, the Spiritual Judge ſhall have power to take knowledge, notwithſtanding the King's Prohibition.

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2 *Inſt.* 487.

[l] **The King.**] Altho' this is only directed by the King to the Biſhop of *Norwich*, and ſome have ſuggeſted that it was made by the Prelates themſelves; yet my Lord *Coke* owns, that it was proved by their Books to be a Statute, and that it extendeth to all the Biſhops within this Realm; the Biſhop of *Norwich* being put for example. And to ſet that matter beyond all doubt, it is expreſly called a *Statute*, in the Act of *Edward* the 6*th* concerning Tythes.

2, 3 *Edw.* 6. c. 13. §. 15.

Note, *That this Statute conſiſting of* many Heads, *and the* Matter *of each Head being of a different nature from the reſt; the ſeveral parts of it, together with the* Commentaries *upon them, are placed under the reſpective* Titles *to which they properly belong.*

Articles againſt the King's Prohibitions.

A.D.1285.

In what caſe the King's Prohibition will lie, and in what not.

If Tythes, *&c.* be pleaded-for by name, a Prohibition ſhall not lie.

[m] UNder what form ſhall Lay-men purchaſe Prohibitions generally upon Tithes, Oblations, Obventions, redeeming of Penances, Mortuaries, violent hands laying on a Clerk or Lay-brother, and in cauſes of Defamation, in which caſes ſpiritual Penance muſt be enjoyned: The King anſwered to theſe Articles, That in Tithes, Oblations, Obventions and Mortuaries, when they be pleaded as before is ſaid, the Kings Prohibition doth not lie.

—but if Money for Tythes be demanded, it ſhall lie.

II. And if a Clerk or a perſon Religious do ſell his Corn being in his Barn, or other where, to any man for money, if the price thereof be demanded before a Spiritual Judge, the Kings Prohibition doth lie; for by the Sale the Spiritual are become Temporal, and ſo Tithes paſs into Chattels.

If Right of Tythes be founded in Patronage, a Prohibition ſhall lie;

III. And if Debate hang in a Spiritual Court for the right of Tithes, having his Original from the Right of the Patronage, and the quantity of the ſame Tithes do paſs the fourth part of the value of the Benefice, a Prohibition ſhall lie.

—and ſo, in Commutations of Penance.

IV. Alſo if a Prelate enjoyn Penance pecunire to any man for his Sin, if the mony be demanded before Prelates, a Prohibition ſhall lie.

For beating a Clerk,

Amends for Peace broken, ſhall be before the King;

Excommunication before the Biſhop.

V. Alſo if any lay violent hands on a Clerk or Lay-brother; for the Peace broken, amends ſhall be made before the King, and for the Excommunication, before the Biſhop or Prelate.

In corporal Penance redeem'd, a Prohibition ſhall not lie.

VI. And if a corporal Penance be enjoyned, which the Offender will redeem by giving money to the Prelate, or to the party grieved, a Prohibition ſhall not lie.

In Defamation, a Prohibition ſhall not lie; nor in Caſe of money for it.

VII. In cauſes of Defamation, Prelates may freely correct, the Kings Prohibition notwithſtanding; firſt enjoyning a corporal Penance, which if the Party will redeem, the Prelate may lawfully receive the money, though the Prohibition be ſhewed.

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2 *Inſt.* 600.

[m] **Under what Form.**] This Statute is evidently the ſame with the foregoing, in Subſtance, and almoſt in Words; ſo that it ſeems rather to be a different *Copy*, than a different Statute: and tho' the printed Books doubt, in whoſe Reign it was Enacted; my Lord *Coke* is poſitive, that it was made in the Reign of K. *Edw.* I. as was the foregoing Statute, which is known by the name of *Circumſpectè agatis*, and which (without any notice taken of *this*) is refer'd-to by the Books on all occaſions, for the Matters therein contained.

Divers Heads, on which Prohibitions do, or do not, Lie.

A.D. 1341.

15 Edw. III. Cap. 6.

An Act touching Money to be taken by Prieſts.

n **ITEM, it is accorded, that the Miniſters of holy Church for money taken for redemption of corporal Penance, nor for prove and account of Teſtaments, or for travaile taken about the ſame, nor for ſolemnity of Marriage, nor for other things touching the juriſdiction of holy Church, ſhall not be impeached nor arreſted, nor driven to anſwer before the Kings Juſtices, nor other Miniſters; and thereupon the Miniſters of holy Church ſhall have writs in the Chancery to the Juſtices and other Miniſters at all times when they the ſame will demand.**

Prohibition ſhall not lie, — in caſe of money for Penance, — nor of Teſtaments, nor of Marriage.

n Item, **It is.**] This, and all the other Laws made in the ſame Parliament, were revoked and adnulled in the following Parliament of the ſame year, as not having had the free Conſent of the King; but with this addition, *Willing neverthele ſs, that the Articles contained in the ſaid* pretenſed *Statute, which by other of our Statutes, or of our Progenitors Kings of* England, *have been approved, ſhall, according to the form of the ſaid Statute, in every point, as convenient is, be obſerved.* And the Law already ſet down in the foregoing Chapter, againſt Enquiries of Commiſſioners, which was made in the 18th Year of the ſame Reign, ſeems, in effect, to be a Confirmation to the *Church*, of what this Branch of the Statute 15 *Edw.* III. gave, or *intended* to give.

A.D 1285.

13 Edw. I.

Stat. Circumſpectè agatis.

——In cauſes of *o* Defamation, it hath been granted already that it ſhall be tried in a Spiritual Court, when money is not demanded, but a thing done *p* for puniſhment of Sin.

Defamation ſhall be tried in the Spiritual Court.

o **Defamation.**] If Prohibition be granted, the Law hath provided a Conſultation of the following tenor:

Regiſtr. 49, a. "Rex, Officiali, ſalutem. Monſtravit nobis A. quòd "cùm ipſa implacitâſſet coram vobis in curia Chriſtianitatis "L. de eo quod ipſa præfatam A. apud bonos & graves, "penes quos prius non extiterat diffamata, malicioſè & odii "cauſſa diffamavit, crimen falſi & adulterii eidem A. im"ponendo, per quod in excommunicationis ſententiam in"cidit ipſo facto: eadem L. cognitionem, quæ ad forum "eccleſiæ pertinet in hac parte, machinans impedire, aſ"ſerénſq; placitum illud in curia Chriſtianitatis eſſe de ca"tallis & debitis quæ non ſunt de teſtamento vel matrimo"nio, quandam prohibitionem noſtram, ne hujuſmodi pla"citum in curia Chriſtianitatis teneretis, vobis porrexit; "cujus prætextu vos in cauſa illa hucuſque procedere diſ"tuliſtis & adhuc differtis, in ſtatûs ipſius A. ſcandalum, "& læſionem libertatis eccleſiaſticæ manifeſtam. Et quia "in articulis, &c. continetur, quòd in cauſis diffamatio"nis, de quibus agitur ad pœnam canonicam imponendam, "licitè corrigant Prælati, prohibitione noſtra non obſtante: "vobis ſignificamus, quòd ſi in dicta cauſa de diffamatione "ad pœnam canonicam imponendam agatur, tunc ulterius "licitè facere poteritis, quod ad forum eccleſiæ noveritis "pertinere, prohibitione noſtra non obſtante, &c.

2 Inſt. 402. But to ſecure Cauſes of Defamation in the Spiritual Court, againſt Prohibitions, they muſt have theſe two Incidents. 1. That they concern Matters merely Spiritual. 2. That they concern meer Spiritual Matter *only*, and not mixt with any Matter determinable at the Common Law. But if a Miniſter is Defamed in any Article relating to the Diſcharge of his *Miniſterial Function*; this is agreed by the Books of Common Law, to be duly triable in the Spiritual Court. 2 Inſt. 492. Alleyn, 63. 3 Lev. 17, 19. Siderf. 149. Lutw. 1053.

In the Caſe of *Steward* verſus *Allen*; declar'd, that when there is a Libel in the Spiritual Court for calling a woman a *Whore*, expreſly by that Word, a Prohibition will not be granted; but words being only *tantamont*, are not ſuch, wherein the Juriſdiction of the Spiritual Court ought to be diſallowed. Comyns, p. 235.

The words *Whoremaſter* of a man, as well as *Whore* of a woman, is an Eccleſiaſtical Slander; and Prohibition was denied. The Counſel urg'd, that the Reputation of a *man* is not ſo nice, but the Court would not diſtinguiſh them. 2 Salk. p. 692. Vid. Skinn. p. 390.

Anonymus —— A Prohibition was pray'd to the Spiritual Court, where a Clergyman had libel'd for theſe words, you are a knave, a knave, a knave indeed. By *Holt* Chief Juſtice, where the words are ſpoken of the *function* of a Spiritual perſon, a Prohibition lies not; but for theſe words where there is no relation to the *function*, a Prohibition ſhall go, and after ſeveral debates it was granted. Comyns, p. 25.

p **For Puniſhment of Sin.**] It muſt be only for *puniſhment of Sin*, and *pro ſalute Animæ*; for the Party cannot ſue there for *Amends* or *Damages*, which can only be given in the Temporal Courts. 2 Inſt. 492.

A.D. 1315.

9 Edw. II. Cap. 4.

Prelates may correct for Defamation.

IN Defamations alſo Prelates ſhall correct in manner aboveſaid, the King's prohibition notwithſtanding, firſt enjoyning a Penance corporal; which if the offendor will redeem, the Prelate may freely receive the money, though the King's prohibition be ſhewed.

Prohibition ſhall not lie, in Defamations, — nor for the Money to redeem the Penance.

Divers Heads, on which Prohibitions do, or do not, Lie.

A.D. 1327.

1 Edw. III. Cap. 11.

No Suit ſhall be made in the Spiritual Court againſt Indictors.

If Indictors in the Temporal Court be ſued for Defamation in the Spiritual Court,

— Prohibition lies.

ITEM, the Commons do grievouſly complain, that when divers perſons, as well Clerks as Lay-people, have been indicted before Sheriffs [q] in their Turns, and after by inqueſts procured, be delivered before the Juſtices; after their deliverance they do ſue in the Spiritual Court againſt ſuch Inditors, ſurmiſing againſt them that they have defamed them, to the great damage of the Inditors, wherefore many people of the Shire be in fear to indict ſuch Offendors: The King will, that in ſuch caſe every man that feeleth himſelf grieved thereby, ſhall have a prohibition formed in the Chancery upon his caſe.

12 Rep. 43.

[q] In their Turns.] My Lord *Coke* ſays, that tho' the Statute provides expreſly for Inditors in the *Turns* only; yet it extends as well to Inditors in all *other* Courts, and to all Witneſſes and to others who have Affairs in the Temporal Court; and who ſhall not be therefore ſued or moleſted in Court-Chriſtian.

A.D. 1236. 21 *H.* 3.

EDMUNDUS.

Nè quis Pignus retineat, poſtquam ſortem receperit.

None ſhall keep a Pledge, after ſatisfaction made.

INhibemus ne Pignora retinere quiſpiam contendat, poſtquam [r] de fructibus ſortem perceperit, deductis expenſis: quoniam uſura eſt.

Lyndw. Edit. Oxon. p. 160. Vid. Can. 109. v. *Uſury.*

[r] De Fructibus.] *Ex hoc apparet, quòd loquitur, ubi Res* immobilis *datur in pignus; nam Fructus percepti ex re Pigneratâ extenuant debitum, & computantur in ſortem.* Lyndw.

A.D. 1341.

15 Edw. III. Cap. 5.

An Act appointing who ſhall puniſh Uſury.

The King ſhall have the Cognisance of Uſurers dead; and the Church, of Uſurers living.

[s] ITEM, it is accorded and aſſented, that the King and his Heirs ſhall have the [t] Cogniſance of the Uſurers dead; and that the Ordinaries of holy Church have the Cogniſance of Uſurers in Life, as to them appertaineth; to make compoſition by the Cenſures of Holy Church for the Sin, and to make reſtitution of the Uſuries taken, againſt the Laws of Holy Church.

[s] Item, It is accorded.] All the Statutes made in this Parliament, were abrogated in another Parliament the ſame Year, as not having had the free aſſent of the King; but with this Proviſo, *Willing nevertheleſs, that the Articles contained in the ſaid pretenſed Statute, which by other of our Statutes, or our Progenitors Kings of England, have been approved; ſhall, according to the form of the ſaid Statute in every point, as convenient is, be obſerved.*

Caſ. Apol. p. 54.

[t] Cogniſance of the Uſurers.] In Countries where the Civil Law takes place, if the queſtion be, Whether a Contract be Uſurarious, or not, the Court *Eccleſiaſtical* doth determin it; but, to pronounce ſuch a Contract void, and to execute that Sentence, belongeth to the *Temporal* Court.

A.D. 1487.

3 Henr. VII. Cap. 5.

In an Act, Entituled, *An Act, whereby all Bargains termed by the name of new Cheviſance,* &c. *ſhall be void.*

Spiritual Cenſures ſhall be inflicted for Uſury, notwithſtanding the Temporal Penalties.

——And if any man be found guilty of any of the premiſſes, to forfeit the foreſaid pain of 100 *l.* reſerving to the Church, this puniſhment notwithſtanding, the Correction of their Souls, according to the Laws of the ſame.

A.D. 1495.

11 Henr. VII. Cap. 8.

In an Act, Entituled, *An Act for the Puniſhment of Uſurers.*

Saving to the Spiritual Juriſdiction their Right to puniſh Uſury.

——Reſerving always to the Spiritual Juriſdiction, their lawful Puniſhments in every cauſe of Uſury.

There is the like *Exception* 13 Eliz. Cap. 8. §. 9.

21 Jac. I.

21 Jac. I. Cap. 27.

In an Act, Entituled, *An Act againſt Uſury.*

V. **Provided, that no words in this Law contained, ſhall be conſtrued, or expounded to allow the practice of Uſury in point of Religion or Conſcience.** Nothing in 21 *Jac.* I. c. 17. ſhall be conſtrued an Allowance of Uſury, in *Conſcience.*

[Note, *The Laws againſt Prohibitions in divers other Caſes (as, of* Tythes of a new Mill, Voidance of Benefices, Tenths, *&c.) are inſerted and illuſtrated under the ſeveral* Titles, *to which, by reaſon of the* Subject Matter *of them, they properly belong.*]

Rules of Common-Law, *concerning* Prohibitions.

2 Inſt. 607. Art. 10. I. THE **Plaintiff** (as well as Defendant) *in the Spiritual Court, may have Prohibition to* **ſtay his own Suit.** For altho' the Allegation of Archbiſhop *Bancroft, Ann.* 3 *Jac.* I. ſeems by no means to be unreaſonable (*viz.* That the Plaintiff's having made choice thereof, and brought his Adverſary there into Trial, doth by all Intendment of Law and Reaſon, and and by the uſage of all other Judicial Places, conclude himſelf in that behalf;) yet the Anſwer of the Judges was, "That none may purſue in "the Eccleſiaſtical Court for that which the "King's Court ought to hold Plea of, but upon "Information thereof given to the King's Courts, "either by the Plaintiff, or by any meer Stran-"ger, they are to be Prohibited, becauſe they "deal in that which appertaineth not to their "Juriſdiction." 2 Cro. 305. And, nine Years after, in the Caſe of *Worts* and *Cliſton,* the ſame thing was declared and adjudged, in the Court of *King's Bench.*

II. *Prohibition may be granted upon a* **Collateral Surmiſe:** That is, upon a Surmiſe of ſome Fact or Matter not appearing in the Libel. Rot. Parl. 50 *E.* 3. —*R.* 2. It was heretofore a Petition of the Clergy to the King in Parliament, That no Prohibition might be granted, without firſt ſhewing the *Libel*; and it was a Complaint of Archbiſhop *Bancroft,* 2 Inſt. 607. Art. 11. in the 3d Year of King *James* I, That Prohibitions were granted without ſight of the Libel; "Which, (as it is there ſaid,) is the only Rule "and Direction for the due granting of a Pro-"hibition, becauſe, upon diligent Conſideration "thereof, it will eaſily appear, whether the "Cauſe belong to the Temporal or Eccleſiaſtical "Cogniſance; as on the other ſide, without "ſight of the Libel, the Prohibition muſt needs "range and rove with ſtrange and foreign Sug-"geſtions, at the will and pleaſure of the Devi-"ſor, nothing pertinent to the matter in de-"mand:"

Ibid. 608. To this Charge of granting Prohibitions without *ſight of the Libel,* the Judges, in their Anſwer, ſay nothing; but as to granting them, upon ſuggeſtion of Matters not contained in the Libel, their Words are theſe: *Though in the* Libel *there appear no Matter to grant a Prohibition, yet upon a* Collateral Surmiſe *the Prohibition is to be granted; as, where one is ſued in the Spiritual Court for Tythes of* Sylva Cædua, *the Party may ſuggeſt, that they were* Groſs *or* Great Trees, *and have a Prohibition*; yet no ſuch matter appeareth in the Libel: So, *If one be ſued there for violent Hands laid on a Miniſter by an Officer, as a Conſtable, he may ſuggeſt, that the Plaintiff made an affray upon another, and he, to preſerve the Peace, laid hands on him, and ſo have a Prohibition; and ſo, in* very many other *like Caſes*; *And yet upon the* Libel, *no Matter appeareth, why a Prohibition ſhould be granted.*

Upon this Head, it is natural to obſerve, that as there are few Cauſes but what will afford ſuch *Collateral* Surmiſes; ſo, how falſe and groundleſs ſoever they be, there are too many Perſons who have recourſe to them, on purpoſe to tire an Adverſary, and *delay* Sentence in the Spiritual Court. And ſince theſe evil and indirect Ends may at any time be compaſſed, if Suggeſtions of the Party's own *framing,* and which are not in the Libel, are to be liſtned to; ſince alſo, in the conſequence, this is ſuch an intolerable *Interruption* to the Spiritual Courts; it ſhould ſeem to be highly reaſonable, that in default of proving ſuch Suggeſtions as appear not in the Libel, effectual *Penalties* were provided, to *diſcourage* the making of them; as it is in all Caſes of Tythes by *2 Edw.* VI. V. ſupr. p. 700. where, not only Conſultation is granted upon failure of Proof, but alſo *double Coſts, and Damages,* to the Party injured.

III. *In caſe the* **Principal** *Matter belong to the cogniſance of the Spiritual Court, all Matters* **Incidental** (*tho' otherwiſe of a* **Temporal** *nature*) *are alſo cogniſable there.* 12 Rep. 65. This is agreeable to the known Rule of the Regiſter and the Books, *Non eſt conſonum rationi, quod cognitio* Acceſſorii *in curiâ Chriſtianitatis impediatur, ubi cognitio cauſæ* Principalis *ad Forum Eccleſiaſticum noſcitur pertinere.* The plain meaning of which Rule ſhould ſeem to be, that the Temporal Matter, by being Acceſſory to a Spiritual, doth in ſuch caſe derive from the Principal a ſpiritual *Nature* and *Capacity,* and therefore becomes cogniſable *in* the Spiritual Court, and by conſequence, *by* the *Rules* of that Court. And in this Latitude was the Maxim underſtood for Vid. ſupr. p. 1011. many Years, as may appear by what hath been ſaid in the laſt Title concerning the Refuſal of *one Witneſs* for proof of *Payments, Releaſes,* and the like Circumſtances of a Temporal nature, when they are *incidental* to Spiritual Matters. And whereas it is ſaid, in this and the like Caſes, that the Spiritual Court may proceed to try ſuch incidental Matters, if they will *admit* the Pleas; this is, in effect, to ſay, that they *ſhall not try them:* ſince if they do try them at all, it muſt be by their own Rules; and by thoſe Rules, the Pleas are known beforehand, *not* to be *Admiſſible.* For which reaſon, it is not to be interpreted any reſpect to the Juriſdiction of the Spiritual Court, that *before* Prohibition is granted, ſuch Pleas muſt be *offered* in that Court, and *refuſed* there; nor would *Twiſden,* in the Caſe of *Parker* and *Williams,* 1 Siderf. 100. allow it a good Cauſe to deny Prohibition, that the Plea had not been *offered* in the Spiritual Court; but ſaid plainly (as he well might) That it was a vain thing to *plead* Matters there, which they *could* not try.

Of the like *incidental* nature, are *Leaſes, Cuſtoms*, and *preſcriptions*; which oft-times fall in, as *Acceſſories*, where the principal Matter is Spiritual; eſpecially, in Cauſes of Tythes. And, tho' they may be conſidered and proceeded on in the Spiritual Court, when they are own'd by *both ſides* to be good and valid; yet if the *Validity* of them comes in queſtion there, they are immediately prohibited. And the reaſon given for it, is, that the Rules which the Spiritual Judge obſerves for the Trial and Determination of theſe, are not only different from, but *contrary* to the Rules of the Common-Law; *viz.* as *Coke* explained it with regard to Leaſes, *That they hold a* Delivery *to be made of* Leaſes, *as well as of Goods, or elſe the ſame is not good* (but, by the way, in that very Caſe, *Croke* held, that Conſultation ought to go, upon the general Rule of *principal* and *acceſſory*;) and then, as to *cuſtoms* and *preſcriptions*, That whereas the Rule of Common-Law is, *Time out of Mind*, the Rule of *their* Law, is, 30 years for the Church, and 40 years againſt it.

2 Bulſtr. 283. 1 Rolle, Rep. 61.

Extra. l. 2. t. 26. c. 3, 4, 6, 9, 10. Et l. 5. t. 33. c. 15.

There is one thing more I would obſerve upon this head; That when the *Recovery* of a *Modus* in the Spiritual Court, hath been objected againſt, becauſe their hands are ty'd from medling in it, by the Laws of the Church (which are, *Decimæ ſolvantur abſque ullâ* Diminutione. — *Conſuetudo, ut non ſolvantur, vel minùs* plenè *ſolvantur, non valet.* — *In Decimis* realibus *non valet* Conſuetudo, *ut ſolvatur* minus decimâ *parte*;) the Anſwer to this hath been, That whatever force thoſe Laws might anciently have, they are now ſet aſide by 25 *H.* VIII. as being *contrariant and repugnant to the Cuſtoms of this Realm*, and, by conſequence, that the Spiritual Judge, being diſengaged from the Obligation of them, may now admit of *leſs* than the tenth part, in ſatisfaction for Tythes. Why then may it not as well be pleaded, That the ancient Laws, which limit Preſcription to 30 or 40 Years, and make two Witneſſes neceſſary in all caſes, with the like circumſtances in which former Laws were not only different from, but *contrary* to the cuſtoms of this Realm; why may it not be ſaid, that theſe are all aboliſhed by the ſame Statute, and the Spiritual Judge left at liberty (without danger of *Appeal*) to proceed in *temporal Incidents* according to the *cuſtoms of the Realm*, and the known Rules of the Common-Law; that ſo there may be no cauſe to grant Prohibitions in ſuch caſes on account of *Inability* in the Spiritual Court to try them by the Laws of the Land; but the equitable Maxim of *Principal* and *Acceſſory* may be extended to ſuch a latitude, as the *quick* and *eaſie* Adminiſtration of Juſtice evidently calls for.

Lyndw. de Dec. c. *Quoniam.* Et Gloſſ. v. *Conſuet.* p. 192.

What my Lord *Coke* ſays, in his 12th Report, ſeems to be a good reaſon, why the Spiritual Courts ſhould be entitled to the Trial of *Acceſſories* of a Temporal nature; *viz.* That whereas the Temporal Judges, when Iſſue is taken before them upon any Eccleſiaſtical Matter, may write to the Judges of the Eccleſiaſtical Court to Try and Certifie; the Eccleſiaſtical Judges cannot write to the Judges of the Temporal Law, to try any thing, and to certifie them.

12 Rep. 67.

IV. *When the Iſſue of a Matter depending in the Spiritual Court, is determined or influenced by any* **Statute**, *Prohibition lies.* The reaſon is, becauſe the Temporal Judges claim a Right of *interpreting* all Statutes equally, whether they concern Eccleſiaſtical or temporal Matters: Which was repreſented to K. *James* I. by Ap. *Bancroft* and the Civilians, as an unreaſonable Claim; both in it ſelf, as it is an explaining of Eccleſiaſtical Matters by thoſe, who are preſumed by their profeſſion not to be acquainted with Eccleſiaſtical Learning; and, in the conſequence, as it may entitle Lay perſons to a Right to determin all cauſes of *Faith* and *Worſhip*, ſince the Common-prayer, and Articles, are eſtabliſhed by Act of Parliament. To which the Judges held it ſufficient to anſwer in general Terms, That *the expounding of* Statutes *that concern the* Eccleſiaſtical *Government and Proceedings, belongs to the Temporal Judges.*

2 Inſt. 614.

Divers Heads, on which Prohibitions do, or do not, Lie.

What we find aſſerted by *Vaughan*, 25 *Car.* II. in the caſe of *Hill* and *Good*, is widely different from that poſition: "Had it been Enacted, That "all Marriages ſhould be lawful, not prohibited "by the *Levitical* Law, the Church had retained "the judging, Which were againſt the *Levitical* "Law; as they did, when the Unlawfulneſs was "not confined only to the *Levitical* Law." And, "Though ſuch Acts of Parliament had been, yet "they had given no new Juriſdiction or cogniſance in Matrimonial Matters to the temporal "courts, but had been only directory to the "courts which had the cogniſance; and if any "Judgment had been given amiſs in them, it was "to be rectified by Appeal, according to thoſe "Statutes, or by commiſſion of Delegacy."

Vaugh. 304.

In ſome of the Books, there is an Intimation of a Claim yet more extenſive than that of the Judges already mentioned, That not only all Statutes whatever are to be *interpreted* by the temporal courts, but alſo that when a Statute is made, giving Remedy in a Matter of Eccleſiaſtical cogniſance, the very *making* of ſuch Statute doth *ipſo facto* take the right of Juriſdiction from the Spiritual Court, and transfer it to the Temporal; if there be not a *ſpecial Saving* in the Act, to preſerve the Spiritual Juriſdiction. But to this, the Rule laid down by my Lord *Coke* (which is alſo generally followed by the Books) is a full Anſwer: "An Act of Parliament being in the "Affirmative, doth not abrogate or take away "the Juriſdiction Eccleſiaſtical, unleſs Words in "the Negative be added, as, *and not otherwiſe*, "or, *in no other manner* or form, or to the like "effect."

1 Inſt. p. 96. b.

5 Inſt. *Cawdry's* Caſe. 1 Cro. 501, 684. Latch. 68. 2 Lev. 222.

V. *A* **Temporal loſs**, *enſuing upon a Spiritual Sentence, is not, of it ſelf, cauſe of Prohibition.* So it was adjudged 42 & 43 *Eliz.* in the Caſe of *Baker* and *Rogers*, where the Deprivation was for Simony; on which occaſion, the Reaſoning of the Court was thus: "Although it was ſaid, that "in the Spiritual Court they ought not to have "intermeddled to diveſt the Freehold, which is "in the Incumbent after Induction: true it is, "they ſhould not meddle to alter the *Freehold*; "but they meddle only with the *manner* of obtaining his *Preſentment*, which by *conſequence* "diveſted the Freehold from him, by the diſſolution of his Eſtate, when his Admiſſion and "Inſtitution is avoided." In like manner, where an Incumbent was libelled againſt in the Arches, for not being 23 years of age when made Deacon, nor 24 when made Prieſt, and pray'd Prohibition, becauſe a Temporal Loſs, *viz. Deprivation*, might follow; the Court denied the Pro-"hibition, "and compared this Caſe to that of "a Drunkard, or ill Liver, who are uſually puniſhed in the Eccleſiaſtical Courts, tho' a Temporal Loſs may enſue; and if Prohibitions "ſhould be granted in all caſes where Deprivation is the *conſequence* of the Crime, it would "very much *leſſen the Practice* of thoſe Courts." In like manner, in the caſe of *Collet* and *Collet*, 34 *Car.* II. when a Prohibition was pray'd to the Spiritual Court to hinder them from proceeding to a Divorce for Inceſt, upon a Suggeſtion, that then the Iſſue would be baſtardis'd, and thereby diſinherited; it was denied, and the Court ſaid, that this was not ſufficient matter of Suggeſtion, inaſmuch as the Spiritual Court held not plea of the temporal Inheritance *directly*, but only *conſequentially*; for which if they ſhould be prohibited, they would have nothing left.

1 Cro. 789.

3 Mod. Rep. p. 67.

Skinner, p. 37.

VI. *The* **Suggeſtion** *muſt have been moved, and rejected in the Spiritual Court, before it can be admitted in the Temporal Court.* For tho' in the Bi-

2 Salk. p. 551.

Divers Heads, on which Prohibitions do, or do not, Lie.

ſhop of *Wincheſter*'s caſe (2. *Co.* 45.) it was held, that in a Suit for Tythes in the Spiritual Court, one might have a Prohibition, on Suggeſting a Preſcription or Modus, *before, or without pleading*; yet 12 *W.* III. the Prohibition in that Caſe was denied by the Court of King's Bench, unleſs they pleaded it below, becauſe perhaps they might *admit* the Plea.

Ibid.

And 10 *W.* III. it was ſaid by *Holt* Chief Juſtice, That if a Modus be pleaded in the Spiritual Court and admitted, no Prohibition ſhall go; but if the queſtion be, whether a *Modus* or no *Modus*, a Prohibition ſhall go. To which he adds this general Rule; "Wherever the matter which they ſuggeſt for a "Prohibition is foreign to the Libel, you muſt "*plead* it below, before you can have a Prohi-"bition; otherwiſe where the cauſe of Prohibi-"tion appears on the face of the Libel."

Yelv. 55.

VII. *The* **Suggeſtion** *need not be preciſely* **proved**, *in order to obtain a Prohibition.* For, where the Suggeſtion was a *Modus* for Lamb and Wool, tho' the proof failed as to the Wool,

1 Cro. 736.

and it was urged that therefore they had *failed in the whole*, yet Prohibition was granted. And it was ſaid, in the Caſe of *Auſtin* and *Pigot*, *That the Proof in a Prohibition ought not to be ſo preciſe*, but if it appears, that the Court-Chriſtian ought not to hold Plea thereof, it ſufficeth. Now, the natural Conſequence of this ſhould ſeem to be, the granting Prohibition as to what is *Temporal*, and leaving the Spiritual Court to proceed *of courſe*, without *further loſs of time*, on what is found to be clearly *Spiritual*: but, in the Caſe of

12 Rep. 43.

Nicholas Fuller, we are told it muſt be otherwiſe; for there, the Reſolution was, That when any Libel in the Eccleſiaſtical Court contains *many* Articles, if *any* of them do not belong to the cogniſance of Court-Chriſtian, a Prohibition may be *generally* granted; and upon motion, Conſultation may be made as to things which do belong to the Spiritual Juriſdiction.

2 Salk. p. 549.

With regard to the principal matter of this general Rule, the Practice was thus deliver'd by *Holt* Chief Juſtice 11 *W.* III. in the caſe of *Godfrey* and *Llewellin*: Where the matter ſuggeſted for a Prohibition, appears upon the face of the Libel, we never inſiſt upon an Affidavit; but unleſs it appear upon the face of the Libel, or if you move for a Prohibition as to more than appears, on the face of the Libel, to be out of their Juriſdiction, you ought to have Affidavit of the truth of your Suggeſtion.

1 Raymond, p. 59.

When a Prohibition was mov'd for to the Conſiſtory Court, upon a Rate aſſeſs'd by the Churchwardens for repair of the *Chancel* as well as the *Church*, and the Court declar'd that the repair of the Church belong'd to the Pariſhioners, and of the Chancel to the Parſon; it was mov'd, that the Prohibition ſhould be granted only *quoad* the Suit for the repair of the Chancel. But it was reſolv'd by the Court, "That the Prohibition "ſhall be for the *whole*, becauſe it is but *one* "rate and *entire*. But if a man libel for two *diſtinct* things, the one of which is of Eccleſiaſti-"cal conuſance, and the other not, a Prohibi-"tion ſhall be granted, *quoad* that which is of "temporal conuſance, and they of the Court "Chriſtian ſhall proceed for the other."

2 Rolle, p. 456.
Latch, 7.
1 Keb. 107.

VIII. *Prohibitions are not granted on the* **laſt day** *of the* **Term.** So is the Rule ſet down in the Books; to which *Rolle* adds, nor on the *laſt day ſave one*: and the reaſon of both is, that there would not be time for notice to be given to the *other* ſide. But it is added in *Latch*, that upon motion, on the laſt day of the Term, there may be a Rule to *ſtay* Proceedings till the *next* Term.

2 Inſt. 602.

IX. *Prohibition may be had* **after Sentence, Execution,** *and* **Appeal.** This was one Head of Complaint made by Archbiſhop *Bancroft* and the Civilians, againſt the Abuſes in Prohibitions, That they were granted, not only *after all Allegations and Proofs made on both ſides, when the Cauſe was fully inſtructed and furniſhed for Sentence; but after Sentence, and after Execution of the Sentence.* Which Complaint was well warranted, as, ſeemingly, by the Reaſon of the thing, ſo certainly by former Determinations of the temporal courts. Thus, in the caſe of *Somerſet* and *Markham*, 39 & 40 *Eliz.* it was held as follows,

1 Cro. 595.

"If one anſwer to a Suit in the Spiri-"tual Court, and ſuffer *Sentence* to paſs againſt "him, he never ſhall have a Prohibition; and "if he bring an Appeal, the Defendant in the "Appeal ſhall not have a Prohibition."

Noy, 70.

In like manner, in *Hollmaſt*'s caſe, the Words are, "By "the Court, a Prohibition ſhall not be awarded "to the Admiral or Spiritual Court, after *Sen-"tence.*"

March, 73.

And in the 15*th* of *Charles* I. when Prohibition was pray'd after Sentence, it was refuſed, becauſe pray'd *too late.* Alſo, 21, 22 *Car.* II. when a Prohibition was pray'd on Citation out of the Dioceſe, the Court ſaid, It was no cauſe of Prohibition *after Sentence*, notwithſtanding the truth of the Suggeſtion appeared on the Libel it ſelf.

2 Keb. 612.
Mo. 907.

On the other hand, it was held 30 *Eliz.* that a Prohibition was grantable *after Sentence* for a Legacy, where Releaſe had been pleaded and proved by one Witneſs, and diſallow'd.

2 Inſt. 602.

And 3 *Jac.* I. the Judges, in their Anſwer to the Archbiſhop and Civilians, ſay expreſly and *abſolutely*, that Prohibition may go, *as well after Judgment and Execution, as before.*

1 Siderf. 332.

Likewiſe, it is affirm'd by *Siderfin*, 19 *Car.* II. to be an uſual thing, to grant Prohibition to the Spiritual Court, *after Sentence* for Corporal Penance. And 27 *Car.* II. *after Sentence* given in a Suit for Repair of a Church, the Court held, that Prohibition lay, as well after Sentence as before, and whether any *Appeal* was depending, or not.

Mod. Caſes, p. 252.

And in the caſe of *Parker* and *Clerk*, *Holt* Chief Juſtice ſaid, I know noe caſe, where one comes too late for a Prohibition after Sentence, but that of Suing one out of his Dioceſs; which is the ſame thing that he had declared before, 1 *Annæ*, in the caſe of the *Queen* and *Whiſtler*.

Farreſley, p. 137.
2 Salk. p. 548.

And before that, in the caſe of *Gardiner* and *Booth* (10 *W.* III.) it is laid down thus: Where it doth appear in the Libel, or by the Proceedings in the Cauſe, that the Cogniſance of the Cauſe does not belong to the Spiritual Court, a Prohibition may be mov'd for and granted after Sentence. And this holds in all caſes, but where one is Sued out of his Dioceſe; for there if he doth not take the advantage of it before Sentence, he ſhall not have a Prohibition after Sentence; the reaſon is, becauſe the Cauſe doth belong to the Spiritual Court; and tho' it doth not belong to that Spiritual Court, it belongs to ſome other, and not to the King's Temporal Court.

2 Raymond, p. 235.

A like declaration was made by *Holt* in the caſe of *Dike* verſus *Brown* with this addition; ——— But becauſe the Plaintiff had not *pleaded* in the Spiritual Court the Suggeſtion of it's being not *Sylva cædua*, upon which the Prohibition was pray'd, it was denied; becauſe the Spiritual Court has Juriſdiction of Tythes, and if any ſpecial matter *deprives* them of their Juriſdiction, it muſt be *pleaded* there: And if pleaded there, and iſſue join'd upon it, and they had refus'd the Plea, a Prohibition ſhould have been granted.

Skinner, p. 299.

In the Caſe of *Adriel Mills*, 3 *Will. & Mar.* where the caſe was, that the Prerogative Court revok'd a Probate and granted Adminiſtration, upon the Executor's becoming Bankrupt, the Court of King's Bench granted a Prohibition, after a Sentence, and Appeal brought.

Littl. 365.
Hetl. 167.

X. *Prohibition takes off* **Coſts**, *aſſeſſed upon an* **Appeal**, *where the Cauſe is return'd to the Inferior Court.* This was adjudg'd, 7 *Car.* I. in the Caſe of *Crompton* and *Waterford*; where an Appeal had been to the Delegates, who over-rul'd it, and aſſeſſed Coſts for the wrong Appeal; and the Court agreed with *Richardſon*, that becauſe a Prohibition ſtays all Proceedings, the Coſts were taken away; and added, that if the Party was Excommunicate, he ſhould be Abſolved.

CAP. IV.

Of CONSULTATIONS.

24 Edw. I.

A.D. 1296.

In what Caſe a Conſultation is grantable.

The Miſchief of Prohibitions, in matters purely Spiritual, being great,

— the Temporal Judges (if they ſee that the Caſe cannot be redreſſed by any Writ) ſhall write to the Eccleſiaſtical Judge to proceed.

Of Conſultations.

Whereas Eccleſiaſtical Judges have often ſurceaſed to proceed in Cauſes moved before them, by force of the Kings Writ of Prohibition, in caſes whereas remedy could not be given to Complainants in the Kings Court, by any Writ out of the Chancery, becauſe that ſuch Plaintiffs were deferred of their right and remedy in both Courts, as well Temporal as Spiritual, to their great damage, like as the King hath been advertiſed by the grievous complaint of his Subjects: Our Lord the King willeth and commandeth, That where Eccleſiaſtical Judges do ſurceaſe in the aforeſaid caſes, by the Kings Prohibition directed unto them, That the *o* Chancellor, or the Chief Juſtice of our Lord the King for the time being, *p* upon ſight of the Libel of the ſame matter, at the inſtance of the Plaintiff (*pp* if they can ſee that the caſe cannot be redreſſed by any Writ out of the Chancery, but that the Spiritual Court ought to determine the matters) ſhall write to the Eccleſiaſtical Judges, before whom the cauſe was firſt moved, that they proceed therein, notwithſtanding the Kings Prohibition directed to them before.

Rot. Parl. 18 *E.* 1.

o **Chancellor, or the Chief Juſtice.**] One of the Petitions of the Commons in Parliament, 18 *E.* I. was, Cancellarius *aut* Capitalis Juſticiarius *habeat Poteſtatem cognoſcendi, quæ Placita ſuperſederi poſſunt in Cauſis* Eccleſiaſticis.

Hob. 115.

p **Upon ſight of the Libel.**] For (as it was heretofore held) agreeable to the Libel, ought the Conſultation to be; and therefore, 23 *Jac.* I. when the Parſon ſued in the Spiritual Court for *all* the Tythes of ſuch a Ground, and the Defendant obtained a Prohibition, upon ſurmiſe that the Queen was ſeized of *two parts* of the Tythes, and had granted them away, and that he had paid the two parts to the Grantee: altho' the Prohibition was for the two parts only, yet when the Parſon pray'd Conſultation for the third part, it was denied; becauſe his Conſultation could not be granted, but according to his Libel, and ſo he muſt Libel for his third part *de novo*.

Hob. 192.

But *Hobart* leaves a *Quære* on this Caſe, Whether he might not have had a Conſultation, as to the *third* part only. And the very next year, in *Berrie's* Caſe (where the Parſon ſued for Tythes of Hay *in ſpecie* for 100 Acres; and in a Prohibition Iſſue was taken, Whether the Inhabitants had uſed to pay, for all Tythes of Hay of all ancient Meadows within the Town, a certain Rate-Tythe; and the Jury found, there was ſuch a Cuſtom for all the ancient Meadows, ſaving for certain call'd *Barton*-Meadows, for which Tythes had been paid in kind; and that the Party who was ſued for Tythes in the Spiritual Court, had Hay upon five Acres of the *Barton*-Meadow;) it was reſolved, that if the Jury had found againſt the Cuſtom *generally* (as they might well have done) the Parſon ſhould have had his Conſultation for all; but however, as they found the Truth *diſtributively*, That he had cauſe to ſue in the Spiritual Court for one part, but not for the other, he had Conſultation *quoad* the *Barton*-land; inaſmuch as the Libel for Tythes in kind for the 100 Acres was ſeveral, for all or any part, and therefore for ſo much as was *Barton*, and out of the Cuſtom, it was as well libelled, as it had been for that alone.

12 Rep. 43.

The Reſolution upon this Head in *Fuller's* Caſe, was as follows: "When any Libel in the Eccleſiaſtical Court contains many Articles; if any of them do not belong to "the cogniſance of Court-Chriſtian, a Prohibition may be "generally granted; and upon motion made, Conſultation "may be made, as to things which do belong to the Spiritual Juriſdiction; for the Writ of Conſultation with a "*quoad* is frequent and uſual."

pp **If they can ſee.**] This ſuppoſes *ſtrict Examination* of the Matter; which (how *quickly* ſoever Prohibitions are obtained) is always made, before Conſultation awarded. And this gave occaſion to what the Civilians ſaid before K. *James* I. in the great Caſe *De modo Decimandi*, and *Prohibitions*, "That Conſultations are the Judgments of Courts "had upon *Deliberation*, whereas Prohibitions are only "granted upon *Surmiſes*." And *Vaughan* to the ſame purpoſe; "We find no Record of *Prohibitions deny'd*, for there "is no Entry made of *Motions* not granted; but of *Prohibitions granted* there is: which makes the granting of a "Prohibition of no great *Authority*, unleſs upon Action "brought, a *Conſultation* de deny'd upon Demurrer."

Co. Sel. Caſ. 45.

Vaugh. p. 323.

It is on account of the great *Deliberation* to be beſtow'd on theſe Occaſions, and its being an *Award* of the Court, and *final*, that no Conſultation can be granted, tho' by *all* the Judges, *out of Term*, nor by *any* of them, within the Term, *out of Court*, as was reſolv'd in the Caſe of *Nicholas Fuller*; and, ſaith my Lord *Coke*, the Name of the Writ (*viz.* a Writ of *Conſultation*) imports this, That the Court upon Conſultation amongſt them ought to award it.

12 Rep. 41.

Of Conſultations.

A.D.1376.

50 Edw. III. Cap. IV.

No Prohibition ſhall be allowed, after Conſultation duly granted.

A Prohibition after Conſultation, ſhall be of no force,

ITem, It is ordained and eſtabliſhed of the ſaid aſſent, That whereas a Conſultation is once *q* duly granted *r* upon a Prohibition made to the Judge of holy Church, that *s* the ſame Judge may proceed in the Cauſe by virtue of the ſame Conſultation, notwithſtanding any other Prohibition thereupon to him delivered. Provided always, That the matter in the Libel of the ſaid Cauſe, be not engroſſed, enlarged, or otherwiſe *t* changed.

— unleſs the Libel be changed.

1 Cro. 736. *q* **Duly granted.**] Upon the foot of this Expreſſion, *Ann.* 43 *Eliz.* where one had ſued in *Chancery* to ſtay a Suit of Tythes by *Engliſh* Bill, and brought a Prohibition there, and Conſultation was granted; and then a ſecond Prohibition was pray'd in the *King's Bench* for the ſame Cauſe: it was reſolved, That he might well have a ſecond Prohibition, notwithſtanding this Statute, inaſmuch as the Conſultation was not duly granted in *Chancery*, where the Prohibition it ſelf was not duly grantable. And afterwards, 11 *Jac.* I. we find it laid down as a Rule, by the whole 2 Brownl. 35. Vid. Mo. 917. Court of *King's-Bench*, *That if it be* apparent *Matter*, *that the Conſultation was not* duly *granted*, *then a* new *Prohibition may be granted.*

The Complaint of Archbiſhop *Bancroft* and the Civilians, concerning the Abuſes of this Clauſe in thoſe days, is as 2 Inſt. 603. follows: "In ſome one Cauſe two, in ſome three, in ſome "other ſix Prohibitions, and ſo many Conſultations have "been awarded, yea, divers are ſo granted out of one "Court: As for example, When after long Suit, a Con-"ſultation is obtained, it is thought a ſufficient Cauſe to "ſend out another Prohibition, in Revocation of the ſaid "Conſultation, upon Suggeſtion therein contained, that the "ſaid Conſultation *minùs commodè emanavit*. By which "pretty Device, the Judges of thoſe Courts which grant "Prohibitions, may, notwithſtanding the ſaid Statute, upon "one Libel not altered, grant as many Prohibitions as they "liſt; commanding the Eccleſiaſtical Judges, in his Ma-"jeſty's Name, not to proceed in any Cauſe that is ſo di-"vers times by them Prohibited; whereby the poor Plain-"tiffs do not know when their Conſultations, procured "with great Charge, will hold; and ſo, finding ſuch and "ſo many Difficulties, are driven to go home in great "grief, and to leave the Cauſes in *Weſtminſter-Hall*, the "Eccleſiaſtical Judges not daring to hold any Plea of "them." To which, the Anſwer is: It were fit, they "ſhould ſet down particular Cauſes, whereupon this Grie-"vance is grounded, and then we doubt not but to anſwer "it ſufficiently."

Yelv. 132. *r* **Upon a Prohibition.**] But ſo, that the firſt Conſultation hath been granted upon the *Matter* or *Subſtance* of the Suggeſtion, and not for default of *Form* only. For in the Caſe of *Cox* and *Seymour*, tho' the ſame Suggeſtion had been made before, in *four* ſeveral Prohibitions for the ſame Land, and the ſame manner of Tything was alledged, and every of the four times Conſultation had been granted; yet, becauſe it was in every inſtance, only for default of Proof within ſix Months, thro' neglect to have the Witneſſes ready in due time according to *Edw.* VI's Statute of Tythes, and not upon the Right or Trial of the Cuſtom, the Suggeſtion was held to be good; and a *fifth* Prohibition grantable. And in the Caſe of *Stroud* and *Hoskins*, 3 Cro. 208. Jones (W.) 231. 6 *Car.* I. the ſame Doctrine is laid down, as follows: *The* Stat. 50 Edw. III. *is intended, where Conſultation is granted upon the* Subſtance *of the Suggeſtion, being proved to be* inſufficient *in* Verdict, *or* Non-ſuit after Evidence; *and not where it is granted for the inſufficiency of the* Porm *of the Suggeſtion, or in the* Proceeding *thereupon.* Which Doctrine had been alſo laid down before, 7 *Jac.* I. in the Court 2 Brownl 245. V. 2 Keb. 719. of *King's-Bench: When a Conſultation is granted upon any fault of the Prohibition in* Form *by* miſpriſion of the Clerk, *or by* miſpleading of any Statute; *in that, or ſuch like, a new Prohibition may be granted upon the ſame Libel*; *but if Conſultation be granted upon the* Right of the thing *in queſtion, there a new Prohibition ſhall not be granted upon the ſame Libel.*

2 Brownl. 26. But, the next Year, 8 *Jac.* I. in the Caſe of *Dorwood* and *Brikinden*, the Court ſeems to have gone ſomewhat farther than bare Form, in the Rule there laid down; *If a Man libel for Tythes for* divers Years, *and a Prohibition is granted for* part *of the Years, and after that a Conſultation is awarded*; *yet the Plaintiff may have a new Prohibition for the* reſidue *of the time, notwithſtanding the Stat.* 50 E. III. *and that it be upon one* ſelf ſame *Libel.*

2 Ventr. 47. A Caſe, not unlike this in any thing but the Determination, is found in 1 *Will. & Mar.* where a Prohibition had been granted upon Suggeſtion of a *Modus* to pay 2 *d.* for every Lamb falling in the Pariſh; after which, Conſultation was alſo granted: Then comes a Motion for a new Prohibition, on Suggeſtion of a *Modus* of 2 *d.* for every Lamb falling in a *particular Farm* of the ſame Pariſh. And tho' it is there ſaid, that if this *Modus* had been found by the Verdict, no Conſultation had been granted, yet the Court inclin'd againſt a Prohibition by reaſon of this Statute.

Poph. 159. Palm. 418. *s* **The ſame Judge.**] It was obſerv'd by *Noy*, in the Caſe of *Bowry* and *Wallington*, 1 *Car.* I. that though in the printed Books, and alſo in the Extract of the Statute in the time of *Ric.* II. and in one Roll remaining in the *Tower*, it is *the ſame Judge*; yet, in the Parliament-Roll it ſelf, it is not *eidem Judici*, but only *Judici Eccleſiaſtico*; which appeared to be ſo, upon view of the Parliament-Roll, in Court: and he added, that if it were, as in the printed Books and Extracts, *eidem Judici*, it ſhould not be intended the ſame *perſonal* Judge, but the ſame *Judge of Conuſance* of the ſame Juriſdiction or Cauſe; ſo as no new Prohibition ſhall be grantable, after Conſultation, tho' the Biſhop or Archdeacon conſtitute a *new Judge*, or the Party appeal from an Inferior to a *Superior* Court. Which Doc- 3 Bulſtr. p. 182. trine is agreeable to the former Reaſoning and Reſolution, that had paſs'd 14 *Jac.* I. in the Caſe of *Biggs*, where Prohibition was pray'd, upon an Appeal, after Conſultation; but was deny'd: And the Court ſaid, That this Act ought to have a *reaſonable* Conſtruction, to be before the *ſame Judge*, and for the *ſame Cauſe*; That the Appeal doth only *ſuſpend* the Sentence, but yet the ſame ſtands ſtill in force; That if a new Prohibition ſhould be granted upon an Appeal, then, upon ſeveral Appeals, three or four Prohibitions might be granted, which would be very inconvenient; and, That the intent and purpoſe of the Statute, was, that he which hath but *one* Suit, ſhould not be *infinitely* troubled.

2 Rolle, Rep. 500. Palm. 418. 'Tis true, in the Caſe of *Davy* and *Cockam*, 22 *Jac.* I. a new Prohibition was pray'd (and, as is ſaid, *obtained)* after an *Appeal* made; and that, according to the Reaſoning of *Jones*, becauſe tho' it was the ſame Cauſe, and upon the ſame Libel, yet it was before a new Court. But it is to be obſerved, that the Conſultation there, had been granted for lack of Form (*viz.* upon default of Proof within ſix Months;) in which caſe, as hath been already obſerved, a new Prohibition after Conſultation may be granted to the very *ſame Judge*, notwithſtanding this Statute. And tho' in the foreſaid Caſe of *Bowry* and *Wallington*, as it ſtands reported by *Popham*, it was reſolved, That a new Prohibi- Poph. 159. tion may be granted, if there be an Appeal; yet this doth not contradict the former Judgment, if we take in the two Limitations that are there added, 1. *That, if he who Appeals, pray the Probibition, he ſhall not have it*; *for then Suits ſhall be deferred* in infinitum *in the Eccleſiaſtical Courts.* Nor, 2. *If the Prohibition and Conſultation were upon the* Body *of the Matter, and the* Subſtance *of it: for otherwiſe, he ſhall be put many times to try the* ſame *Matter*; *which is full of* Vexation.

t **Changed.**] In the Caſe of Dame *Denton* and the Counteſs of *Clanricard*, 18 *Jac.* I. where the firſt Libel was, That Tythes had been paid *time out of Mind*; and the ſecond, That they had been paid *for* 20, 30 *or* 40 *Years, and time out of mind:* This was adjudged a *change* of the Libel, as laying the Foundation of a new Title, different from the former; and the whole Court ſaid, that if they proceeded upon that Addition, they would grant Prohibition.

Of Conſultations.

1 Cro. 111. V. ſupr. 2 Ventr. p. 47.

But (to mention another Caſe, not wholly foreign to the preſent Subject) when the Libel was for Tythe-Milk of *eight* Kine, and, upon a *Modus* pleaded, Prohibition and Injunction were obtained; and afterwards the ſame Incumbent libelled for the ſame Tythe againſt the ſame Perſon, only inſerting a *leſs* number of Kine: this *Change* in the Libel did not make it a different Cauſe, and therefore *Attachment* upon the Prohibition was granted.

CAP. V.

The ſame Crimes Puniſhable both in SPIRITUAL, *and* TEMPORAL *Courts.*

9 Edw. II. Cap. VI.

A.D. 1315.

Where a Suit for one Offence may be proſecuted both in Court Spiritual and Temporal.

The ſame matter ſhall be Cogniſable before Spiritual, and Temporal Judge,

The ſame Crimes Puniſhable both in Spiritual, and Temporal Courts.

ALSO if any Cauſe or matter, the knowledge whereof belongeth to a Court Spiritual, and ſhall be definitively determined before a Spiritual Judge, and doth paſs into a judgment, and ſhall not be ſuſpended by an Appeal; and after, if upon the ſame thing a queſtion is moved before a Temporal Judge between the ſame parties, and it be proved by witneſs or inſtruments: Such an exception is not to be admitted in a Temporal Court. The Anſwer. **When any one caſe is debated** *u* **be-**

2 Inſt. 623. *u* **Before Judges Spiritual or Temporal.**] The Record is, *diverſis rationibus ventilatur:* "For (ſaith my "Lord *Coke)* the Proceedings of the Spiritual Judges are "for the Correction of the Spiritual inner Man, and *pro ſalute Animæ*, to enjoin him Penance; and the Judges of "the Common Law proceed to give Damage for the "Wrong and Injury done: As, if one lay violent hands "on a Clerk, the Spiritual Judge, *pro ſalute Animæ*, ſhall "enjoin him Penance; and the Clerk may have his Action "of *Battery*, and recover Damages for the Injury done "him."

Godb. 447. To the ſame purpoſe, was the Reaſoning of the Court, 6 *Jac.* I. in *Bolles*'s Caſe, where a Vicar ſu'd one in the Spiritual Court for Defamatory Words; and a Prohibition having been granted, the great Argument againſt a Conſultation (which yet, in the end, the Court unanimouſly granted) was this, That the Party might be puniſhed by the *Temporal Judges* and *Juſtices* for the Words. To which, the Reply was, That altho' it might be ſo, yet the Party might ſue for the ſame in the Spiritual Court: So, if a Man were a *Drunkard,* he might be ſu'd in the Eccleſiaſtical Courts for his Drunkenneſs; and yet be bound to his good Behaviour for the ſame by the Juſtices. In like manner, if a Man ſue in the Spiritual Court, for taking and detaining his Wife from him; if the other Party ſue a Prohibition for the ſame, he ſhall have a Conſultation, *quatenùs pro reſtitutione uxoris ſuæ duntaxat proſequitur*; and yet he may have an Action at Common Law, *De Uxore abductâ cum bonis Viri*, or an Action of Treſpaſs.

'Tis true, theſe Inſtances are there alledged, only to ſhow, that where the Party *may* be puniſhed by *either* Law, he has his Election *in what Court* he will ſue; becauſe that was the only thing that the Cauſe before them required. But it is humbly conceived (according to the plain tenor of this Statute where the beating of a Clerk is only put as an Example, as well as my Lord *Coke*'s Reaſoning upon it) that the *Infliction* of Puniſhments aſſigned to any Vice or Immorality *(Capital* Crimes excepted) by Common or Statute Law, for Temporal Ends, doth not ſuperſede the Right which the Church hath to inflict Spiritual Cenſures *pro ſalute Animæ*. My Lord *Coke*, indeed, in his firſt Inſtitute, lays it down for a Maxim of Law, *That where the Common or Statute Law giveth Remedy in* Foro ſæculari *(whether the Matter be Spiritual or Temporal) the cogniſance of that Cauſe belongeth to the King's* Temporal *Courts only*, *unleſs the Juriſdiction of the Eccleſiaſtical Court be ſaved or allowed by the ſame Statute, to proceed according to the Eccleſiaſtical Laws.* But in this fifth Report (as is obſerved before) he gives up that Point, unleſs the Statute hath *negative* Words, *i. e.* unleſs it ſhall *not be puniſhed otherwiſe*, or *in other manner*, or the like. And as to different Puniſhments of the ſame Vices for different Ends, the Reaſoning he there adds, is in effect the ſame with his Commentary upon this Statute: *The Eccleſiaſtical Law and the Temporal have* ſeveral *Proceedings, and to* ſeveral *Ends*; *the one being* Temporal, *to inflict Puniſhment upon the Body, Lands, or Goods*; *the other*, Spiritual, pro ſalute Animæ: *The one, to puniſh the* outward *Man*; *the other, to reform the* inward. *Then, both theſe diſtinct and ſeveral Juriſdictions conſiſt and ſtand well together, and do join in this, to have the whole Man* inwardly *and* outwardly *reformed.*

1 Inſt. f. 69.

2 Salk. p. 673.

Vid. ſuprà, Rule 4th conc. *Prohibitions.*

5 Rep. Caudry's Caſe.

Jones (W.) 320. It was hinted before, that this Rule holds not in *Capital* Crimes; but even in ſuch Caſes, the infliction of *Eccleſiaſtical* Puniſhments is not wholly excluded; as appears by the Caſe of one *Searl* an Incumbent in *Eſſex*, 12 *Jac.* I. who having been found guilty of *Manſlaughter*, and allow'd his Clergy, was afterwards ſu'd in the Spiritual Court, in order to Deprivation. In that Court, he deſired to be admitted to his Defence (that he was not Guilty) contrary to the Verdict; and the Judge of the Spiritual Court, doubting in what manner to proceed, adviſed privately with *Hobart*, and they agreed, as follows: *That Felony, or other capital crimes, are not examinable in the Eccleſiaſtical Courts*; *no, not for Purpoſes that are examinable there, as in this caſe of Deprivation: and therefore they may not* originally *Examin ſuch a Crime, to prove a Man criminous*; *much leſs, when he is ſo proved in the proper Court, may they* impeach *the Sentence in a Court improper*; *but they may build a Sentence of Deprivation upon ſuch a Conviction.*

Hob. 121.
2 Cro. 430.

2 Cro. 413. This Method being purſued in the Spiritual Court, Prohibition was pray'd in behalf of *Searl*; but it was deny'd by the whole Court, becauſe it appeared upon the Libel, that the Spiritual Judge did not proceed againſt him as an *Homicide*, but as *convictus de homicidio*; and, by proceeding to deprive him by reaſon of his *Conviction*, they of the Spiritual Court were ſo far from *impeaching*, that they *affirmed*, the Verdict in the Temporal Court.

On this occaſion, it was ſaid by *Montague*, Chief Juſtice (to which *Croke* and *Doderidge* accorded) That altho' the Statute, 18 *Eliz. cap.* 7. ordaineth, That after *Clergy*, the Party ſhall be ſet at large, and ſhall not be put to his Purgation; yet that doth not *diſaffirm* the Judgment.

The ſame Crimes Puniſhable both in Spiritual and Temporal Courts.

Ref. Leg. 84.

In this place, it may not be improper to ſubjoin the Rule of the *Reformatio Legum*, concerning the Right of the Church to proceed in a Spiritual way againſt Criminals, after Sentence in the Temporal Courts, and Pardon: *Cùm Civilis Magiſtratus aliquis flagitioſos homines adhuc non Excommunicatos præ-occupârit, & in Carcerem abduxerit; hi, ſi poſt, Sententiam Mortis acceperint, & nos illis poſteà pepercerimus, nolumus tamen Indulgentiâ noſtrâ Eccleſiæ Diſciplinam impediri. Judex igitur Eccleſiaſticus illos Satisfactionis, & reliquorum Officiorum commonefaciat; quæ ſi non omnia ritè perficiant, Excommunicationis virgâ tantiſper flagellentur, donec ſalubriores Cogitationes ſuſceperint.*

A.D. 1222.
6 *H.* 3.

STEPHANUS.

Nè quis Latrones apud ſe retineat.

Lyndw. Edit. Oxon. p. 308.

PRohibemus ſub interminatione Anathematis, nè quis Latrones ad latrocinium faciendum in ſervitio ſuo retineat, nec eos ſcienter in terris ſuis habitare permittat.

None ſhall ſuffer Robbers to live in their Service, or on their Lands.

A.D 1237.
22 *H.* 3.

OTHO.

Summarium.

Quicunque protexerit, defenderit, aut hoſpitatus fuerit, quem norit, aut manifeſtum ſit eſſe Latronem, & tertiò etiam publicâ & generali admonitione admonitus non ejecerit, Excommunicationis ſententiam incurrat.

Otho. Edit. Oxon. p. 48.

COntra Latronum flagitia, quibus nimis abundat Regio *Anglicana*, quod nequaquam eſſet, ut accepimus, niſi eos Majores defenderent vel tenerent, ſic Duximus ſtatuendum, ut nemo eos protegat, defendat, ſeu teneat, in domibus, vel in locis fidelium, quos ſciverint, vel manifeſtum fuerit, latrocinium exercere.

Eos autem qui contra hoc fecerint, ſi tertiò commoniti per loci Judicem Ordinarium, ipſos à ſe non abjecerint, Excommunicationi Eccleſiæ ſubjugamus.

Monitionem autem Volumus & Statuimus ſufficere generalem, etſi fiat alicujus nomine non expreſſo: dummodo ita publicè ac ſolenniter fiat, quòd ad eorum notitiam valeat pervenire.

None ſhall protect, or entertain Robbers,

—upon pain of Excommunication, after the third Monition,

—which Monition, tho' general, ſhall be ſufficient.

A.D. 1281.
9 *Edw.* 1.

JOHANNES PECHHAM.

In Conſt. *Præterea*, Sub Tit. *De Pœnitentiis & Remiſſionibus.*

Homicidii voluntarii remiſſio per ſolum Epiſcopum fiat, niſi occurrat Neceſſitatis Articulus.

Lyndw. Edit. Oxon. p. 340.

—Abſolutionem etiam ab Homicidio voluntario, tam publico, quàm occulto, ſolis Epiſcopis extra * neceſſitatis articulum reſervamus: per quod † Minorum intendimus refrænare audaciam, & non ‡ Majorum reverentiæ in aliquo derogare.

The Biſhop alone ſhall abſolve from Murder.

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* Neceſſitatis.] *i. e. Mortis.* Lyndw.

† Minorum.] *i. e. Inferiorum Confeſſorum.* Lyndw.

‡ Majorum] *i. e. Epiſcoporum quorumcunque.* Lyndw.

A.D. 1342.
16 *Edw.* 3.

JOHANNES STRATFORD.

Quicunque Clerici aut Laici fraudulenter & malitioſè per Brevia Regia contra inſontes & ignorantes proceſſerint, ac procedentes foverint, majoris Excommunicationis ſententiam ferant.

Lyndw. Edit. Oxon. p. 97.

DIerum invaleſcens malitia, *& infrà.* Cùm noſtræ Provinciæ nonnulli aliis malignari conantes, Brevia Regia de computo, ſeu tranſgreſſione, vel alia, contra illos quibus nocere deſiderant, ad extraneos comitatus, in quibus ſui nunquam fuerunt adverſarii, nec contraxerunt vel deliquerunt ibidem, bonáve adminiſtrârunt inibi cujuſcunque, fraudulenter & malitioſè impetrare præſumunt; & adeò contra eos ignorantes clam proſequuntur in illis, quòd relegantur, vel foris banniuntur de regno; Unde cùm proceſſus & ſententia contra ignorantes & taliter indefenſos habiti, à jure meritò reprobentur, nec ſit malitiis hominum indulgendum: Statuimus, ut quicunque Clerici vel Laici in noſtra Provincia talia ſurreptitiè, fraudulenter, vel malitioſè de cætero (ut præmittitur) impetrantes, & proſequentes, facientes & procurantes, ſeu ad ea impendentes ſcienter conſilium, auxilium, vel favorem, aut ea rata habentes ſuo nomine facta; majoris Excommunicationis ſententiam incurrant ipſo facto.

None ſhall obtain Writs of Account, directed into foreign Counties,

—nor proceed againſt the Parties, who are ignorant thereof,

—upon pain of the Greater Excommunication.

CAP. VI.

Of Appeals.

SIMON MEPHAM.

A.D 1328.
3 *Edw.* 3.

Licet, contra Oxonienſe Statutum, à gravamine judiciali ante Definitivam Sententiam Appellare; & qui ſecus juraverint, abſolvantur.

The Conſtitution, that there ſhall be no Appeal before a definitive Sentence,
— is unjuſt, and ſhall be repealed.

Of Appeals, Lyndw. Edit. Oxon. p. 115.

IN Concilio *Oxonienſi* quoddam dicitur emanâſſe Statutum, quo inter cætera prohibetur, quòd à nullo [w] gravamine judiciali [x] ante definitivam ſententiam [y] frivolè appelletur: quòdque omnes Advocati & Procuratores illius Conſiſtorii ad obſervationem hujus Statuti aſtringi debeant vinculo Juramenti, & aliis in ipſo Statuto contentis, ſi contra illud venerint, affligendi. Nos hujuſmodi Statutum, quod etſi colore verborum ſuperficialiter [z] pallietur, ad auferendum tamen oppreſſis Appellationis remedium extitit realiter introductum, & quicquid ex eo vel ob id fuerit ſubſecutum, penitus reprobamus. Et omnes illos qui ad hujuſmodi obſervationem Statuti præſtiterint Juramentum, abſolvimus ab [zz] eodem.

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[w] Gravamine Judiciali.] *Scil. Illato per viam Interlocutoriæ, ut differat ab Appellatione à Definitivâ, ut ſequitur; & potuit movere ad ſic ſtatuendum, quia à tali Gravamine non licet Appellare, niſi expreſſâ Cauſâ.* Lyndw.

[x] Ante Definitivam.] *Ad hoc, ut valeat Appellatio in Judicio facta ante Sententiam Definitivam, requiruntur decem; quorum ſi unum defuerit, non valebit.* 1. *Cauſa Gravaminis illati vel comminati.* 2. *Quòd Cauſa ſit legitima.* 3. *Quòd Cauſa ſit vera.* 4. *Quòd ſit Expreſſa.* 5. *Quòd non fuit Admiſſa Appellantis Petitio.* 6. *Quòd quia non admittebatur, fuit Appellatum.* 7. *Quòd fiat in ſcriptis.* 8. *Quòd petantur Apoſtoli.* 9. *Quòd ſi Appellatus hoc petierit, veniat inſtructus Appellans.* 10. *Quòd fiat infra* † *decem dies.* Lyndw.

† 15 dies, Stat. 24 H. 8. Vid. infrà.

[y] Frivolè.] *Dicitur* frivola *Appellatio, quæ eſt vana & inanis; Vel quando nulla cauſa eſt expreſſa, vel non legitima, dato quòd ſit vera; vel licèt ſit legitima, eſt tamen manifeſtè falſa.* Lyndw.

[z] Pallietur.] *Adverte, quòd diſcuſſio Appellationis, an ſit juſta vel injuſta, frivola vel non frivola, non ſpectat ad Judicem à quò Appellatur, ſed ad Judicem ad quem. Poſito ergò quod ex Statuto tali non liceret frivolè Appellare, & hoc ſatis foret æquum; tamen per tale Statutum ſatis conſtat præjudicari Juri Superioris, ad quem pertinet recipere Appellationes ad eum interpoſitas, ex quâcunque etiam cauſâ levi vel minimâ. Sufficiet ergò Judici à quo, quòd, non obſtante tali Appellatione, ſi ei non deferat, poteſt nihilominùs in Cauſâ procedere, quouſq; ſibi Inhibeatur.* Lyndw.

[zz] Hanc Conſtitutionem antiquis Canonibus eſſe conſonam, oſtendunt duæ ſequentes Determinationes: *Non ita in Eccleſiaſticis agendum eſt negotiis, ſicut in ſæcularibus; nam in ſæcularibus legibus, poſtquàm vocatus quis venerit, & in foro decertare cæperit, non licet ei ante peractam cauſam recedere. In Eccleſiaſticis verò, dicta cauſa, recedere licet, ſi neceſſe fuerit, aut ſi ſe prægravari viderit.*

Cauſ. 2. q. 6. c. 18.

Si à gravamine, & ante litis ingreſſum fuerit appellatum, hujuſmodi audietur appellans; quoniam ſacri canones etiam extra judicium paſſim appellare permittunt: nec ſolent hujuſmodi dici appellationes, ſed provocationes ad cauſam. Si autem ante ſententiam quis appellaverit, cogitur illius ſtare judicio ad quem noſcitur appellâſſe.

Extra. l. 2. t. 28. c. 5.

Sacri Canones, ante & poſt litis conteſtationem, & in prolatione ſententiæ, & poſt, ſingulis facultatem tribuunt appellandi: leges autem ſæculares appellationem (niſi in caſibus) ante ſententiam non admittunt.

Ibid. c. 12.

JOHANNES STRATFORD.

A.D. 1342.
16 *Edw.* 3.

Pendente legitimâ ab interpoſitione Sequeſtri Appellatione, utantur Poſſeſſores bonis Sequeſtratis impunè.

During an Appeal from Sequeſtration, the Party in poſſeſſion ſhall enjoy what was Sequeſtred.

Lyndw. Edit. Oxon. p. 114.

FRequens perverſorum, & *infrá.* Si ab interpoſitione [a] Sequeſtri fuerit [b] appellatum, & Appellatio legitime [bb] proſecuta, eâ pendente, poſſeſſores bonorum Sequeſtratorum, & alii, libere & impunè utantur eiſdem.

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[a] Sequeſtri.] *Supple, Interpoſiti per Epiſcopum, vel ejus Officialem, vel ejus Vicarium in Spiritualibus Generalem. Nam in Sequeſtris interpoſitis per Inferiores, non habet locum Conſtitutio iſta.* Lyndw.

[b] Appellatum] *Intellige de Appellante, qui non fuit verè Contumax; nam verè Contumax non auditur Appellans: Et intelligo* verum Contumacem, *illum, qui inventus & perſonaliter Citatus, ceſſante Impedimento legitimo, non comparet in termino.* Lyndw.

[bb] Proſecuta] *Legitimè Appellationem proſequi intelligitur, qui facit ſuam diligentiam, ut eam poſſit infra annum terminare —— & ex cauſâ, biennium.* Lyndw.

24 Henr. VIII. Cap. 12.

In an Act, Entituled, *No Appeal ſhall be uſed, but within this Realm.*

† V. ſupr. p. 83.

V. And furthermore in eſchewing † the ſaid great enormities, inquietations, delays, charges, and expences hereafter to be ſuſtained in purſuing of ſuch [c] appeals, and foreign Proceſs, for and concerning the [d] cauſes aforeſaid, or any of them, do therefore by authority aforeſaid, ordain and enact, That in ſuch caſes, where heretofore any of the Kings ſubjects and reſiants, have uſed to purſue, provoke and procure, any appeal to the See of Rome, and in all other caſes of appeals, in or for any of the cauſes aforeſaid, they may, and ſhall from henceforth [dd] take, have and uſe their appeals within this Realm, and not elſewhere, in manner and form as hereafter enſueth, and not otherwiſe, that is to ſay, Firſt from the Archdeacon or his Official, if the matter or cauſe be there begun, to the Biſhop Dioceſan of the ſaid See, if in caſe any of the parties be grieved.

To avoid the Charges and Delays of Appeals to the See of *Rome*, in Cauſes of Matrimony, *&c.*

— they ſhall henceforth lie,

— from the Archdeacon to the Biſhop;

VI. And in like wiſe, if it be [ddd] commenced before the Biſhop Dioceſan, or his Commiſſary, from [e] the Biſhop Dioceſan, or his Commiſſary, within [ee] fifteen

— from the Biſhop or his Commiſſary,

Ref. Leg. f. 144, b.

[c] **Appeals.**] The *end* and *deſign* of Appeals, is thus ſet forth in the *Reformatio Legum: Appellationes non ad deprimendam cujuſquam Juſtitiam ſunt inventæ, ſed ut Gravamen impoſitum reparetur, & ad corrigendam Iniquitatem & Imperitiam Judicis, & nonnunquam ad ipſius afflicti ſuccurrendum Inſcitiæ.* —— *Etenim, quæ in primâ inſtantiâ ſunt omiſſa, frequenter in ſecundâ locum habent.* And therefore my Lord *Dyer* makes it *eſſential* to every legal Conſtitution; *Foraſmuch* (ſaith he) *as an Appeal is a* natural *Defence, it cannot be taken away by any* Prince, *or* Power.

4 Inſt. 340.

But, on the other hand, *many* ſucceſſive Appeals are attended with long and unavoidable *Delays*; and theſe are leaſt to be born in ſuch Caſes as immediately concern the Honour of God, and do therefore call for *ſpeedy* Juſtice. For which reaſon, the *Council of Trent* ordained, That in Cauſes of *Correction*, no Appeal ſhould be from an *Interlocutory* Decree; and it was thought a thing reaſonable to be *moved* to the Parliament of 1562, that a Law ſhould be made, *That in Caſes of* Correction, *no Appeal from the Biſhop of the Dioceſe be admitted, nor any* Inhibitions *granted to hinder the ſaid Biſhop to proceed in theſe Caſes.* But becauſe a total Prohibition of Appeals in *any* Caſe, might be liable to Exception; another Propoſition was, That in Caſes of *Correction*, the Penalty of Appealing be *forty Shillings*, and *double Coſts*, if the Appeal be found unjuſt. Which (however favourable to Virtue and Religion) fell ſhort of the *general* Rule mentioned in the Body of the Canon Law, *Quoties* injuſta *Appellatio pronunciatur, ſumptus quos, dum ſequeretur, Adverſarius impendit, reddere cogatur, non* ſimplos, *ſed* quadruplos.

Conc. *Trid.* Seſſ. 13. c. 1. *Stry.* Ref. p. 283.

Ib. App. 2. p. 1.

To theſe may be added, the Prayer of the Prelates and Clergy in Convocation, to the Archbiſhop, *Ann.* 1399; where, among other things needing Reformation in his Court, they mention, That when a Suffragan proceeds againſt any, *Ex Officio ad correctionem animæ, ubi Inhibitio non deberet quoviſmodo concedi*; the Party proceeded againſt, ſuggeſting it to be *ad inſtantiam partis*, obtain'd Inhibition. To the like purpoſe, is Archbiſhop *Grindal*'s Direction to his Court, That, in Matters of *Correction*, they *temper their Inhibitions*; which had been alſo regulated by Archbiſhop *Parker*, with a particular Eye to *Caſes of Correction, and Reformation of Evil Lives and Manners.*

Reg. Conv. *An.* 1399.

Reg. *Grindal*, f. 149.

Reg. *Parker*, f. 225, a.

If this matter of reſtraining Appeals in Caſes of Correction, ſhould come under the conſideration of the Legiſlature; it may deſerve to be remembred, what we are told is the Rule in the Temporal Courts, concerning Perſons admitted *in forma pauperis*; That, having had the benefit of the King's Juſtice once, they are not ſuffered to remove Cauſes out of the *Inferior* Courts, to the *Superior*.

1 Mod. Rep. p. 268.

[d] **Cauſes aforeſaid.**] Namely, Cauſes Teſtamentary, Cauſes of Matrimony and Divorces, Right of Tythes, Oblations and Obventions; as they are reckon'd up in the former part of this Act, which prohibits Appeals to *Rome*, and which therefore is placed in *Tit.* 3. concerning the *aboliſhing of Papal Encroachments.*

Tit. 3. cap. 3. p. 83.

[dd] **Take**] Which is to be done by demanding Letters dimiſſory, call'd *Apoſtoli*, from the Judge *à quo*: *Ab eo, à quo appellatum eſt, ad eum, qui de appellatione cogniturus eſt, dimiſſoriæ literæ dirigantur, quæ vulgò apoſtoli appellantur: quarum poſtulatio, & acceptio intra quinque dies ex officio finienda eſt.*

Cauſ. 2. q. 6. c. 24.

Qui intra ſtatuta tempora dimiſſorias non poſtulaverit, vel acceperit, vel reddiderit: præſcriptione ab agendo ſubmovetur, & pœnam appellationis ferre cogitur.

Poſt appellationem interpoſitam literæ dandæ ſunt ab eo, à quo appellatum eſt, ad eum, qui de appellatione cogniturus eſt, ſive Principem, ſive quem alium: quas literas dimiſſorias, ſive apoſtolos, appellant. Senſus autem literarum talis eſt; appellâſſe, putà, Lucium Titium à ſententia illius, quæ inter illos dicta eſt. Sufficit autem petiiſſe intra tempus dimiſſorias inſtanter, & ſæpiùs: ut et ſi non accipiat, id ipſum conteſtetur. Nam inſtantiam repetentis dimiſſorias, conſtitutiones deſiderant. Æquum eſt igitur, ſi per eum ſteterit, qui debeat dare literas, quo minus det, ne hoc accipienti noceat.

Cauſ. 2. q. 6. c. 31.

[ddd] **Commenced**] The Archbiſhop was forbidden by the ancient Canons to take original cogniſance of Cauſes ariſing within the Dioceſes of his Suffragan Biſhops: *Edictum per Remenſem provinciam publicatum, ut à ſubditis Epiſcoporum ipſius provinciæ, pro audiendis, & terminandis eorum cauſis liberè ad Remenſem curiam accedatur, penitus revocamus. Quia etiamſi tenerentur iidem Epiſcopi pro ſuis culpis vinculo excommunicationis aſtricti; non tamen ex culpis ipſis (cùm id non inveniatur à jure conceſſum) ad Remenſem Archiepiſcopum juriſdictio devolveretur eorum. Sed alia fortè pro illis pœna ipſis canonica poſſet infligi.*

6 Decretal. l. 1. t. 8. c. 1.

Prohibemus, ne Remenſis Archiepiſcopus in diœceſibus Suffraganeorum ſuorum, foraneos Officiales conſtituat: quia cum Metropolitanis, ne ſuorum Suffraganeorum ingrediantur diœceſes, ut in eis auctoritate propria judicent, diſponant, aliquidve aliud agant, canonica prohibeant inſtituta; nequaquam hoc poſſunt in illis per alios exercere.

Ibid. t. 16. c. 1.

Nec pro eo, quòd cauſas per appellationem delatas ad ipſos, poſſunt in Suffraganeorum ſuorum diœceſibus delegare, ſimiliter licèt eis tales Officiales inſtituere in eiſdem; qui eorum vice (cùm appellatur ad ipſos) citationes, vel inhibitiones faciant, ſeu compeſcant in hac parte rebelles. Quia in cauſis per appellationem devolutis ad ipſos, jam juriſdictionem obtinere noſcuntur: propter quod licitè poſſunt ſuper illis committere vices ſuas. Non ſic autem in aliis, in quibus nondum extitit appellatum: & idcirco non debent aliquos conſtituere pro citationibus in futuris cauſis appellationum, & inhibitionibus faciendis: niſi aliud Remenſis Eccleſia circa talium Officialium inſtitutionem de conſuetudine obtineat ſpeciali. A quibus etiamſi de conſuetudine hujuſmodi poſſint in Remenſi provincia conſtitui: inhibitiones tamen, ne procedatur in cauſis, priuſquam ad Remenſem curiam appellatur, fieri penitus inhibemus.

[e] **The Biſhop.**] This is to be extended to all who have Epiſcopal Juriſdiction; as in the Caſe of *Johnſon* and *Ley*; where the Dean of *Salisbury*, in one of his Peculiars made Letters of Requeſt to the Dean of the Arches; it was objected in order to obtain a Prohibition, that this was *per ſaltum*, and that he ought to have made requeſt to the Biſhop of *Sarum* his immediate Ordinary; but the Plea was not allowed, becauſe this was not (as is the caſe of an *Archidiaconal* Peculiar) ſubject to the Juriſdiction of the Ordinary, but immediately to the Archbiſhop.

Skinner, p. 589.

in fifteen days, to the Archbiſhop;

days next enſuing the judgment or ſentence thereof there given, *f* to the Archbiſhop of Canterbury, if it be within his Province, and if it be within the Province of York, then to the Archbiſhop of York, and ſo likewiſe to all other Archbiſhops in other the Kings Dominions, as the caſe by the order of Juſtice ſhall require; † and there to be definitively and finally ordered, decreed, and adjudged, according to Juſtice, without any other appellation or provocation to any other perſon or perſons, Court or Courts.

† Rep. 25 *H.* 8. c. 19.

— from the Archdeacon of an Archbiſhop, or his Commiſſary, to the Arches or Audience, and from thence to the Archbiſhop himſelf.

VII. And if the matter or contention for any of the cauſes aforeſaid, be, or ſhall be commenced by any of the Kings ſubjects or reſiants, before the Archdeacon of any Archbiſhop or his Commiſſary; then, the party grieved ſhall or may take his appeal within fifteen days after Judgment or Sentence there given, to the Court of the Arches or audience of the ſame Archbiſhop or Biſhops: and from the ſaid Court of the Arches or *g* Audience within fifteen days then next enſuing, after Judgment or Sentence there given, to the Archbiſhop of the ſame Province, there to be definitively and finally determined, without any other or further Proceſs or Appeal thereupon to be had or uſed.

Any Cauſe commenced before an Archbiſhop ſhall be by him *definitively* determined, without other Appeal.

VIII. And it is further enacted by the authority aforeſaid, that all and every matter, cauſe and contention now depending, or that hereafter ſhall be commenced by any of the Kings Subjects or Reſiants, for any of the cauſes aforeſaid, before any of the ſaid Archbiſhops; that then the ſame matter or matters, contention or contentions, ſhall be before the ſame Archbiſhop, where the ſaid matter, cauſe or proceſs, ſhall be ſo commenced, definitively determined, decreed, or adjudged without any other appeal, provocation, or any other foreign proceſs out of this Realm, to be ſued, to the lett or derogation of the ſaid judgment, ſentence or decree, otherwiſe than is by this Act limited and appointed. Saving always the Prerogative of the Archbiſhop and Church of Canterbury, in all the aforeſaid cauſes of Appeals, to him and his ſucceſſors, to be ſued within this Realm, in ſuch and like wiſe as they have been accuſtomed, and uſed to have heretofore.

Saving to the Prerogative of the Archbiſhop, and Church of *Canterbury*.

In all Cauſes which ſhall touch

IX. And in caſe any cauſe, matter or contention, now depending for the cauſes before rehearſed, or any of them, or that hereafter ſhall come in contention, for any

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1 Raymond, p. 123.

In the caſe of *Robinſon* verſus *Godſalve*; reſolved by the Court, that where an Archdeacon has a *peculiar* Juriſdiction, he is totally exempt from the power of the Biſhop, and the Biſhop cannot enter there and hold Court. And in ſuch caſe, if the party who lives within the Peculiar be ſued in the Biſhop's Court, a Prohibition ſhall be granted. For the Statute intends that no Suit ſhall be *per Saltum.* But if the Archdeacon is not a Peculiar, then the Biſhop and he have concurrent Juriſdiction, and the party may commence his Suit either in the Archdeacon's Court or the Biſhop's; and if he commence in the Biſhop's Court, no Prohibition ſhall be granted; for if it ſhould, it would confine the Biſhop's Court to determine nothing but Appeals, and render it incapable of having any Cauſes *originally* commenced there.

Ref. Leg. f. 145, a.

ee **Fifteen Days.**] Ten Days were aſſigned by the *Reformatio Legum*, according to the Rule of the ancient Canon Law; and the ſame is the Rule in *Lyndwood.* (*Vid. ſupr. Comment. in Conſt. Mepham.*) Of the *time* of *proſecuting* the Appeal, the Canon Law has determined as follows: *Ei, qui appellat, impertitur annus, intra quem, ſecundùm ſe, communitérve cum adverſario litem exequatur, aut, ſi juſta cauſa interceſſerit, alius annus indulgeatur: quo tranſacto, lite non completa, rata manet ſententia. Appellatione ceſſante, cùm unus menſis ſupereſt ex biennio, licet victori ingredi, ut reus quæratur: quo ſive invento, ſive non, ſuas afferat allegationes, & vel confirmetur, vel reſcindatur ſententia, omni caſu abſente expenſis condemnando ſecundùm tempora fatalium dierum. Neutro verò concurrente poſt ſecundum fatalem permaneat ſententia rata.*

Cauſ. 2. q. 6. c. 41.

Extra l. 2. t. 28. c. 5.

Fraternitati tuæ duximus reſpondendum, quòd ſi ante ſententiam, vel poſteà, fuerit appellatum, hujuſmodi appellantibus annus indulgetur, aut, ex neceſſariâ aut evidenti cauſa, biennium: niſi fortè Judex à quo appellatum fuerit, ſecundùm locorum diſtantiam, & perſonarum, & negotii qualitatem, reciſius tempus fuerit moderatus. Infra quod ſi is, qui appellaverit, cauſam appellationis non fuerit proſecutus, tenebit ſententia: ſi poſt ſententiam appellaverit, & à cauſâ ſuâ cecidiſſe videtur; nec amplius ſuper eodem negotio audietur appellans.

Sext. Decretal. l. 1. t. 4. c. 2.

f **To the Archbiſhop.**] Not from the Biſhop's Official, or Commiſſary, to the Biſhop himſelf, for the Reaſon given in the Canon Law: *Non putamus illam Conſuetudinem, quantocunque tempore de facto ſervatam, conſonam rationi, Quòd ab Officiali Epiſcopi ad eundem Epiſcopum valeat Appellari; ne ab eodem ad ſeipſum (cùm ſit idem Auditorium utriuſq;) Appellatio interpoſita videatur.* And again, *Cùm Suffraganeorum Remenſis Eccleſiæ, ſuorumque Officialium (qui generaliter de cauſis ad ipſorum forum pertinentibus, eorum vices ſupplendo cognoſcunt) unum, & idem conſiſtorium, ſive auditorium ſit cenſendum: ab ipſis Officialibus non ad dictos Suffraganeos (ne ab eiſdem ad ſeipſos interponi appellatio videatur) ſed de jure ad Remen. eſt curiam appellandum.*

6 Decretal. l. 2. t. 15. c. 3.

But *Lyndwood* puts a diſtinction in this matter between Officials *General*, and thoſe whom he calls *Officiales foranei:* Of the firſt, he ſays the foregoing Doctrine holds good; but of the ſecond he ſays, *Secùs tamen æſtimo in Officialibus foraneis —— Nec obſtat, ſi dicatur forſan, quòd tales ſunt dati ad Univerſitatem Cauſarum, quia non generaliter ubicunque Epiſcopus habet Juriſdictionem ſunt dati, ſed particulariter in certâ plagâ, vel certo loco, pertinenti ad Juriſdictionem ipſius Epiſcopi. Et tales non habent idem conſiſtorium cum Epiſcopo; ſed ab eis ad Epiſcopum eſt appellandum.* So ſtood the Law, before this Statute: but the direction here given for an Appeal from the Biſhop's *Commiſſary* (the ordinary appellation of the *Officialis foraneus*) ſeems to have alter'd it.

Ibid. §. 2.

Nor may Appeals be made from the Archdeacon's Court, to the Archbiſhop's; for ſo is the Rule of the Canon Law: *Ab Archidiaconis verò, aliiſque inferioribus Prælatis, Suffraganeis ſubjectis eiſdem, & eorum Officialibus, ad Suffraganeos ipſos debet, & non ad Curiam Archiepiſcopalem (omiſſis dictis Suffraganeis) appellari; niſi aliud* Remenſi [*i. e.* Metropoliticæ] *Eccleſiæ, de conſuetudine, competat in hâc parte.* And it is a point which Archbiſhop *Peckham* gave up: granting, *quòd Officialis ad Appellationes à Subditis Fratrum & Suffraganeorum noſtrorum directè ad Curiam Cant. omiſſo medio interpoſitas, de cætero non reſcribat.*

Peckh. 145, b.

6 Decretal. l. 1. t. 16. c. 5.

As to the *place* of hearing the Appeal, we find the Archbiſhop reſtrained, as follows: *Ut litigantes releventur à laboribus, & expenſis, Statuimus, ne Archiepiſcopus cauſas, quæ per appellationem, vel aliàs jure Metropolitico deferuntur ad ipſum, alibi quàm in ſua propria civitate, vel diœceſi, aut in eis, in quibus appellatum extitit, vel cauſæ ipſæ conſiſtere dignoſcuntur, audiat, vel etiam audiendas committat: Niſi ſibi aliud de conſuetudine competat in hac parte.*

6 Decretal. l. 2. t. 15. c. 8.

g **Audience.**] Of the Court of *Audience*, ſee *Tit.* 44.

Of Appeals.

of the ſame cauſes, in any of the aforeſaid Courts, which hath, doth, ſhall or may touch the King, his Heirs, or Succeſſors, Kings of this Realm: that in all and every ſuch caſe and caſes, the party grieved as before is ſaid, ſhall and may appeal from any of the ſaid Courts of this Realm, where the ſaid matter now being in contention, or hereafter ſhall come in contention, touching the King, his Heirs or Succeſſors (as is aforeſaid) ſhall happen to be ventilate, commenced, or begun, to the Spiritual Prelates, and other Abbots, and Priors of the Upper Houſe, aſſembled and convocate by the Kings Writ in the Convocation being or next enſuing, within the Province or Provinces, where the ſame matter or contention is or ſhall be begun: So that every ſuch appeal be taken by the party grieved, within fifteen days next after the judgment or ſentence thereupon given or to be given. And that whatſoever be done or ſhall be done and affirmed, determined, decreed and adjudged by the foreſaid Prelates, Abbots, and Priors of the Upper Houſe of the ſaid Convocation, as is aforeſaid, appertaining, concerning, or belonging to the King, his Heirs and Succeſſors, in any of the foreſaid cauſes of appeals, ſhall ſtand and be taken for a final decree, ſentence, judgment, definition, and determination, and the ſame matter ſo determined, never after to come in queſtion and debate, to be examined in other Court or Courts. †

the King, his Heirs or Succeſſors,

—the Appeal ſhall be to the Upper Houſe of Convocation,

—whoſe Decree ſhall be *Final.*

† See the *Repeal* of this Act by Q. *Mary*, and the Reviver of Q. *Eliz.* in p. 99.

A.D. 1533.

25 Henr. VIII. Cap. 19.

In an Act, Entituled, *An Act for the Submiſſion of the Clergy, and Reſtraint of Appeals.*

III. And be it further enacted by authority aforeſaid, That from the Feaſt of Eaſter which ſhall be in the year of our Lord God, M.D.XXXIV. no manner of appeals ſhall be had, provoked, or made, out of this Realm, or out of any the King's Dominions, to the Biſhop of Rome, nor to the See of Rome, in any cauſes or matters happening to be in contention, and having their commencement and beginning in any of the Courts within this Realm, or within any the King's Dominions, of what nature, condition or quality ſoever they be of: but that all manner of appeals, of what nature or condition ſoever they be of, or what cauſe or matter ſoever they concern, ſhall be made and had by the parties grieved, or having cauſe of appeal, after ſuch manner, form, and condition as is limited for appeals to be had and proſecuted within this Realm in cauſes of matrimony, tithes, oblations, and obventions, by a Statute thereof made and eſtabliſhed ſithen the beginning of this preſent Parliament, and according to the form and effect of the ſaid Eſtatute; any uſage, cuſtom, preſcription, or any thing or things to the contrary notwithſtanding.

There ſhall be no Appeals to *Rome*;

—but all Cauſes ſhall be finally determined, in like manner as the 4 are ordered, 24 *H.* 8. c. 12.

IV. And for lack of Juſtice at or in any the Courts of the Archbiſhops of this Realm, or in any the King's Dominions; it ſhall be lawful to the party grieved, *gg* to appeal to the King's Majeſty in the King's Court of Chancery: And that upon every ſuch appeal, a Commiſſion ſhall be directed under the great Seal, *h* to ſuch perſons as ſhall be named by the King's Highneſs, his heirs or ſucceſſors, like as in caſe of appeal from the Admirals Court, to hear, and *hh* definitively determine ſuch appeals, and the cauſes concerning the ſame. Which Commiſſioners, ſo by the King's Highneſs his heirs and ſucceſſors to be named or appointed, ſhall have full power and authority to hear, and determine every ſuch appeal, with the cauſes and all circumſtances concerning the ſame: and that ſuch judgment and ſentence as the ſaid Commiſſioners ſhall make and decree, in, and upon any ſuch appeal, ſhall

—only, an Appeal ſhall lie from the Archbiſhops, to the King's Commiſſioners,

—whoſe Judgment ſhall be definitive.

Dyer, 209, a. Co. Sel. Caſ. 70.

4 Inſt 340. Mo. 782.

gg **To Appeal.**] Such Appeal lies not from a *Local Viſitor*, nor in any Cauſe of a *Temporal* nature; nor did it lie from the *High Commiſſion* Court, when in being, becauſe they themſelves were the *King's Delegates*, as acting by immediate Commiſſion, from him; and there was no Remedy againſt their Sentences, but a new Commiſſion to *others*, grantable in virtue of the Royal *Prerogative*, and independent from this Statute. And it is alſo ſaid, That this muſt be under the *Sign Manual* of the Prince, before the Lord Chancellor or Keeper can iſſue out a Commiſſion of *Delegates.*

h **To ſuch Perſons.**] The *Reformatio Legum*, ſpeaking of the Appeal to the King, adds as follows: *Quò cùm fuerit Cauſa devoluta, eam vel* Concilio Provinciali *definiri volumus, ſi gravis ſit Cauſa, vel à tribus quatuórve Epiſcopis à nobis ad id conſtituendis.* But, in † *modern practice*, there are Temporal Judges and Temporal Lords, appointed for the final Determination of Matters confeſſedly *Spiritual*; and they are commonly called *Delegates* (according to the Language of the Canon and Civil Law) on account of the ſpecial Commiſſion or *Delegation* they receive from the Prince, for the hearing and determining every particular Cauſe.

† See the Introductory Diſcourſe, on the head of *Courts*, Sect. 4.

Agreeably whereunto, their Proceedings are according to the Rules of the *Civil* and *Eccleſiaſtical* Laws; and on that account, it hath been particularly adjudged, that a Suit there doth not *abate* by the Death of the Parties; this being the Courſe in the *Eccleſiaſtical* Courts. Alſo, Prohibitions go to them, as to an Eccleſiaſtical Court; but in the Caſe of *Stevenſon* and *Wood*, 10 *Jac.* I. the better opinion of the Court was, That they could not grant Letters of *Adminiſtration.*

1 Ventr. 135. 2 Keb. 763.

Mo. 460. Latch, 86.

hh **Definitively.**] In the Caſe of *Saul* and *Wilſon*, the Court obſerved, that there lies no Appeal from a Sentence in the Court of *Delegates*, nor from a Decree on the Statute of Charitable Uſes; for they cannot have any original Juriſdiction, becauſe theſe matters are grounded upon Acts of Parliament, and the Acts give them none.

2 Vernon, p. 118.

Of Appeals.

be good and effectual, and alſo *hhh* definitive: and no further appeals to be had or made from the ſaid Commiſſioners for the ſame.

Places exempt, which appealed immediately to the Pope, ſhall now appeal immediately to the King,

VI. Provided always, That all manner of Provocations and Appeals hereafter to be had, made or taken, from the juriſdiction of any Abbots, Priors, or other heads and governours of Monaſteries, Abbeys, Priories, and other houſes exempt, in ſuch caſes as they were wont, or might afore the making of this Act, by reaſon of grants or liberties of ſuch places exempt, to have or make immediately any appeal, or provocation to the Biſhop of Rome, otherwiſe called the Pope, or to the See of Rome; that in all theſe caſes every perſon and perſons having cauſe for appeal or provocation, ſhall and may take and make their Appeals and Provocations immediately to the King's Majeſty of this Realm, in the Court of Chancery, in like manner and form as they uſed afore to do to the See of Rome. Which Appeals and Provocations ſo made, ſhall be definitively determined by authority of the King's Commiſſion, in ſuch manner and form as in this Act is above mentioned: So that no Archbiſhop or Biſhop of this Realm ſhall intermit or meddle with any ſuch Appeals, otherwiſe, or in any other manner, than they might have done afore the making of this Act; Any thing in this Act to the contrary thereof notwithſtanding. †

— whoſe Determination ſhall be definitive.

† See the Repeal of this Act by Queen Mary, and the Reviver of Q. *Elizabeth*, in p. 86.

4 Inſt. 341.

hhh **Definitive.**] Yet the King, after ſuch Definitive Sentence, may grant a Commiſſion of *Review*; 1. Becauſe it is not *reſtrained* by the Statute. 2. For that, after a Definitive Sentence, the Pope as Supream Head, by the Canon Law, uſed to grant a Commiſſion *ad Revidendum*; and ſuch Authority as the Pope had, claiming as Supreme Head, doth of right belong to the Crown, and is annexed thereunto by the Statutes 26 *H.* VIII. c. 1. and 1 *Eliz.* c. 1.

Dyer, 273. Mo. 463.

Thus it was reſolved in the *Queens-Bench*, 39 *Eliz.* On which occaſion, two other Precedents, 29 *Eliz. (viz.* of *Goodman*, and of *Huet)* are ſaid to have been cited; and it was there agreed, That ſuch Review is to be *final*, without *further Appeal*, (excluſive, as I ſuppoſe, of a ſecond Review:) tho' at another time (4 *Car.* I.) the better Opinion is ſaid to have been, That a Review might be granted *after* a Review.

Littl. 232.

When the Caſe of the *Royal Power* to grant a Review, came under conſideration 4 *Car.* I. two things were obſerved by *Richardſon* in favour of the Prerogative; 1. That the Words of this Statute are, *No further* Appeals *to be had*; and that the Commiſſion of Review ſeems not to be an Appeal, but only a *Suſpenſion* of the former Sentence. 2. That, whereas the Words of the 24*th* of *Hen.* VIII. in caſe of the Archbiſhops, are, That the Cauſe ſhall be *finally adjudged*, and *finally determined*; and in the Caſe of the Upper Houſe of Convocation, That their *Decree ſhall be final, and never after come in queſtion and debate*: here, in the Caſe of the King, the Expreſſion is only, *Definitive* (which, in the Language of the Common and Canon Law, doth not exclude *further* Conſideration) and, that *further* Appeals *ſhall be had*; which exclude not a Review in virtue of a new Commiſſion.

22, 23 Car. II. (Stat. 2.) Cap. 2. A.D. 1670.

In an Act, Entituled, *An Act for laying Impoſitions on Proceedings at Law.*

Duty, upon an Appeal to the Delegates — 10 *s.* — upon every other Appeal — 3 *s.* 4 *d.* — which ſaid Duties ſhall be paid to the Regiſters.

EXP.

LV. For every Appeal to the Delegates; Ten ſhillings.

LVI. For every other Appeal from any Inferiour Eccleſiaſtical Court to a Superior; Three ſhillings and four pence.

CXX. And the ſaid duty for every * Inhibition that ſhall Iſſue upon an Appeal as aforeſaid, ſhall be received by the reſpective Regiſters of the Courts, to which the ſaid Appeals ſhall be made.

* There was no Duty upon it.

5, 6 Will. & Mar. Cap. 21. A.D. 1693.

In an Act, Entituled, *An Act for the granting to their Majeſties ſeveral Duties upon Vellum*, &c.

Stamp of an Appeal to the Delegates, ſhall be 40 *s.*

For every Skin or Piece of Vellum or Parchment, or Sheet of Paper, upon which any Appeal from the Court of Admiralty, Arches, or the Prerogative Courts of Canterbury or York, ſhall be ingroſſed or written, the Sum of forty Shillings.

9, 10 Will. III. Cap. 25. A.D. 1697.

In an Act, Entituled, *An Act for granting to his Majeſty, his Heirs, and Succeſſors, further Duties upon Stampt Vellum*, &c.

Stamp of an Appeal to all but the Delegates, 40 *s* more, — In all, 4 *l.* Trebled, 12 *Ann.* (in all 6 *l.*)

§. I. —— Be it enacted —— that there ſhall be Raiſed, Collected, and Paid unto his Majeſty his Heirs and Succeſſors † for ever (over and above the Rates and Duties and Sums of Money now due and payable to his Majeſty ——) For every Skin * ——

† Stat. 5, 6 *Will.* was only for 4 years.

* This Statute, is the ſame, as 5, 6 *Will. & Mar.*

Of Appeals.

A.D.1693. &c.

5, 6 Will. & Mar. Cap. 21. — 9, 10 Will. III. Cap. 25.

In the Stamp-Acts, Entituled, as above.

—— **For every Skin or peice of Vellum or Parchment, or Sheet of Paper, upon which any —— Appeal (except to the Delegates) ſhall be Ingroſſed or Written, the Sum of Five Shillings.**

Appeal to the Delegates excepted.

CAP. VII.

Of INHIBITIONS.

1 Jac. 1.

CANONS 1603.

xcvi. *Inhibitions not to be granted without the Subſcription of an Advocate.*

Of Inhibitions.

THAT the Juriſdiction of Biſhops may be preſerved (as near as may be) entire and free from prejudice, and that, for the behoof the Subjects of this Land, better proviſion be made, that henceforward they be not grieved with frivolous and wrongful Suits and Moleſtations: It is ordained and provided, that no Inhibition ſhall be granted out of any Court belonging to the Archbiſhop of *Canterbury*, at the inſtance of any Party, unleſs it be ſubſcribed by an Advocate practiſing in the ſaid Court: which the ſaid Advocate ſhall do freely, not taking any Fee for the ſame, except the party proſecuting the Suit, do voluntarily beſtow ſome Gratuity upon him for his Counſel and Advice in the ſaid Cauſe. The like Courſe ſhall be uſed in granting forth an Inhibition at the inſtance of any Party by the Biſhop or his Chancellor, againſt the Archdeacon, or any other Perſon exerciſing Eccleſiaſtical Juriſdiction: And if in the Court or Conſiſtory of any Biſhop, there be no Advocate at all, then ſhall the Subſcription of a Proctor practiſing in the ſame Court, be held ſufficient.

No Inhibition ſhall be granted, unleſs ſubſcribed by an Advocate of the Court,

— or, where no Advocate is, by a Proctor.

1 Jac. 1.

CANONS 1603.

xcvii. *Inhibitions not to be granted, until the Appeal be exhibited to the Judge.*

IT is further ordered and decreed, That henceforward *i* no Inhibition be granted by occaſion of any Interlocutory Decree, or in *k* any Cauſe of Correction whatſoever, except under the Form aforeſaid: And moreover, That before the going out of any ſuch Inhibition, the Appeal it ſelf, or a Copy thereof (avouched by Oath to be juſt and true) *l* be exhibited to the Judge or his Lawful Surrogate, whereby he may be fully inform'd, both of the quality of the Crime, and of the cauſe of the Grievance, before the granting forth of the ſaid Inhibition. And every Appellant, or *m* his Lawful Proctor, ſhall, before the obtaining of any ſuch Inhibition, ſhew and exhibit to the Judge or his Surro-

Before any Inhibition, the Appeal ſhall be exhibited to the Judge,

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6 Decretal. l. 2. t. 15. c. 3. §. 5.

i **No Inhibition.**] The Rule of the ancient Canon Law for Inhibitions, in caſe of Appeals from *Interlocutory Decrees*, is this: *Quòd ſi objiciatur, ex injuſtâ causâ, ſeu minùs legitimâ, ante Sententiam, Appellationem interpoſitam extitiſſe, & ex eo non eſſe Appellationem hujuſmodi admittendam; nequeunt Archiepiſcopus, vel ejus Officialis,* prohibere ne procedatur in *cauſâ, niſi priùs, Appellatione receptâ velut emiſſâ ex cauſâ probabili, cognoſcere incipiant de cauſâ hujuſmodi, an ſit vera.* And Archbiſhop *Parker*'s Direction to his Court, was as follows; *That in every one of your* Inhibitions, *you do appoint a reaſonable day certain to the Party appealing, to proſecute his Appeal; which if he then do not effectually, you are to remit the Cauſe again to the firſt Court, with Charges reaſonable; cutting of all Matters frivolous, and fruſtratory Delays, and finiſhing all Cauſes with ſuch Expedition, as in any wiſe the Laws will ſuffer; any ſtyle or uſage, in any of your Courts uſed to the contrary, notwithſtanding.* Agreeable to which, in point of Expedition, is the preſent Rule; *That no Term Probatory be allowed for proof of a Libel of Appeal, where it is appealed from the Grievance; but the Cauſe to ſtand and be concluded upon bringing in the Proceſs (it being entire) in ſuch Caſes where the Grievance can appear out of the Proceſs.*

Regiſtr. *Park.* 225 a.

k **Any cauſe of Correction.**] Of Appeals and Inhibitions, in Cauſes of *Correction*, ſee before, *pag.* 1035.

l **Be Exhibited.**] One of the Complaints of the Prelates and Clergy in Convocation, *Ann.* 1399. againſt the Irregularities of the Archbiſhop's Courts, was, That when any one pretended he was aggrieved in the *Inferior* Courts, he went to the Court of *Arches*, and, *without ſhewing his Appeal*, obtained *Inhibition.*

Reg. Conv. *ann.* 1399.

m **His lawful Proctor.**] Archbiſhop *Parker*'s Direction to the Judge of his Court, was; *To Take a* Corporal Oath, *of all ſuch Proctors as ſhall Exhibit the Appeal, That as far as he doth know or believe, the Grief or Cauſe pretended, is* true *and* juſt; *cauſing alſo the ſame Proctor to* Exhibit *his* Proxy, *and to make himſelf* Party *to Proſecute the ſame Cauſe, as well as to appeal.*

— with a Copy of the Acts, from which he appealeth.

gate in Writing, a true Copy of thoſe Acts, wherewith he complaineth himſelf to be aggrieved, and from which he appealeth, or ſhall take a Corporal Oath that he hath performed his Diligence, and true endeavour for the obtaining of the ſame, and could not obtain it at the Hands of the Regiſter in the Country, or his Deputy, tendering him his Fee. And if any Judge or Regiſter ſhall either procure or permit any Inhibition to be Seal'd, ſo as is ſaid, contrary to the Form and Limitation above ſpecified; let him be ſuſpended from the Execution of his Office, for the ſpace of three Months: If any Proctor, or other Perſon whatſoever by his appointment, ſhall offend in any of the Premiſſes, either by making or ſending out any Inhibition, contrary to the Tenour of the Premiſſes, let him be removed from the Exerciſe of his Office, for the ſpace of a whole Year, without hope of releaſe or reſtoring.

A Judge or Regiſter Offending, ſhall be ſuſpended 3 Months,
— and a Proctor, a whole year.

CANONS 1603.

1 Jac. 1.

xcviii. *Inhibitions not to be granted to Factious Appellants, unleſs they firſt Subſcribe.*

Contemners of Rites and Ceremonies ſhall not be allowed an Appeal,
— unleſs they promiſe Conformity.

FOraſmuch as they who break the Laws, cannot in Reaſon claim any Benefit or Protection by the ſame: We decree and appoint, that after any Judge Eccleſiaſtical hath proceeded judicially, againſt Obſtinate and *n* Factious Perſons, and Contemners of Ceremonies, for not obſerving the Rites and Orders of the Church of *England*, or for Contempt of Publick Prayer, no Judge *ad quem* ſhall admit or allow any his or their Appeals, unleſs, he having firſt ſeen the Original Appeal, the Party Appellant do firſt Perſonally promiſe and avow, that he will Faithfully keep and obſerve all the Rites and Ceremonies of the Church of *England*, as alſo the preſcript Form of Common Prayer, and do likewiſe ſubſcribe to the † three Articles formerly by us ſpecified and declared.

† Vid. p. 808.

Journ. Proc. *Apr.* 3.

n **Factious Perſons.**] In the Parliament 3 *Jac.* 1. we find a Bill depending, with this Title, *An Act to enable Suſpended and Deprived Miniſters, to ſue and proſecute their* Appeals.

TIT. XLVI.

CENSURES and PUNISHMENTS in the SPIRITUAL COURTS.

THE CONTENTS.

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CAP. I.

Of PURGATION.

A.D 1222.
6 H. 3.

STEPHANUS.

Nè quis ad Purgationem compellatur, qui non eſt apud bonos & graves infamatus: & ne quis ſit Judex in propria Cauſa.

Of Purgation.

OBS.
Lyndw. Edit. Oxon. p. 312.

CÆterum, & *infrá.* Diſtrictiùs duximus Inhibendum, nè Archidiaconi, vel eorum Officiales, aut Judices alii, aliquem ad [a] ſuggeſtionem [b] Præconum ſuorum ad [bb] Purgationem compellant, niſi apud bonos & graves fuerit [c] infamatus; nec in ſua Cauſa præſumant eſſe Judices & Actores, videlicet cum in dubium venerit, utrum quod [d] ab eis exigitur, debeatur.

Eccleſiaſtical Judges ſhall not compel any to come to Purgation, but upon good Grounds.

[a] Suggeſtionem.] *i. e. Detectionem, ſive Denunciationem.* Lyndw.

[b] Præconum.] *i. e. Apparitorum.* Lyndw.

[bb] Purgationem.] *Purgatio Canonica eſt ſuper objecto Crimine, proprio Juramento, vel, ſi oporteat, Juramento Compurgatorum, de ipſo Crimine diffamati Innocentiæ oſtenſio.*

[c] Infamatus.] *Hæc litera videtur approbare Opinionem illam, quæ vult, quòd* ſola ſuſpicio Epiſcopi *non ſufficit ad hoc, quòd indicatur alicui Purgatio, abſq; famâ præcedente.* Lyndw.

[d] Ab eis.] *i. e. Per eos; ſcil. Archidiaconos, vel eorum Officiales.* Lyndw.

A.D. 1342. 17 *Edw.* 3.

JOHANNES STRATFORD.

Purgatio peccati Sacerdotalis non cogatur fieri extra Decanatum, ubi commiſſum eſt; nec cum pluribus, quàm gravitas criminis & Definitio hìc præſcripta exigit; cogens autem ſuſpendatur ab Officio.

Perſons offering themſelves for Purgation, ſhall not be drawn to obſcure places, —nor have above ſix Compurgators in ſome Caſes, and twelve, in others, impoſed upon them.

Lyndw. Edit. Oxon. p. 313.

ITem licet, *& infrá.* Statuimus quòd de cætero diffamati de criminibus ſeu exceſſibus, & de eis ſe purgare volentes, de uno Decanatu in alium, ſeu ad loca ruralia, ubi non inveniuntur Victualia venalia & vitæ neceſſaria, nullatenus protrahantur. In indicendâ verò Purgatione diffamatis hujuſmodi, Epiſcopi, Archidiaconi, & cæteri Ordinarii, aut eorum Officiales, ultra ſextæ manûs pro Fornicatione, ſeu ſimili crimine; pro graviori ſiquidem, ut pro Adulterio, vel [e] majori, ultra duodecimæ manûs Compurgatorum numerum non imponant; ſub pœna Suſpenſionis ab Officio, quam contrà facientes incurrere Volumus ipſo facto.

[e] Majori.] *viz. Hæreſi, Peccato contra naturam, Homicidio, Crimine læſæ Majeſtatis, Sacrilegio, &c.* Lyndw.

A.D. 1660.

13 Car. II. Cap. 12.

In an Act, Entituled, *An Act for Explaining of a Clauſe contain'd in an Act* 17 Car. I. Entituled, *An Act for Repeal of a Branch of a Stat.* 1 Eliz. *concerning Commiſſioners for Cauſes Eccleſiaſtical.*

No Eccleſiaſtical Judge ſhall Adminiſter any Oath,

—whereby Perſons ſhall be obliged to *Purge* themſelves of any Criminal matter.

§. IV. **Provided alſo, and it is hereby further enacted, That it ſhall not be lawful for any Archbiſhop, Biſhop, Vicar General, Chancellor, Commiſſary, or any other Spiritual or Eccleſiaſtical Judge, Officer, or Miniſter, or any other perſon having or exerciſing Spiritual or Eccleſiaſtical Juriſdiction, to tender or adminiſter unto any perſon whatſoever, the Oath uſually called the Oath** ex officio, **or any other Oath whereby ſuch perſon to whom the ſame is tendred or adminiſterd, may be charged or** [f] **compelled to confeſs or accuſe, or to** [g] **purge him or her ſelf, of any Criminal matter or thing, whereby he or ſhe may be liable to Cenſure or puniſhment: Any thing in this Statute, or any other Law, Cuſtom or Uſage heretofore to the contrary hereof in any wiſe notwithſtanding.**

[f] **Compelled to confeſs.**] So that any Perſon may ſtill *offer himſelf voluntarily*, for the clearing of his Innocence, to ſuch Purgation as hath been here deſcribed.

[g] **Purge him or her ſelf.**] The Purgation hereby taken away (if not, *virtually*, before, by 16 *Car.* I. c. 11. as againſt the Oath *Ex Officio*) was exerciſed in the following Method. When any Man or Woman lay under a common ſuſpicion or publick fame of Incontinence, or other Vice; tho' there was not proof plain and full enough to *Convict* them, yet were they liable to be ſummoned before the Spiritual Judge, and to be charged with the Crime. If they confeſs'd, they had a certain Penance immediately enjoyn'd them: If they deny'd, the Judge enjoyn'd them Purgation, to be perform'd on a day appointed, by their own Oath, and by the Oaths of five or ſix Neighbours (more or leſs, according to the nature of the Crime, and the condition of the Perſon,) and thoſe to be of good Fame and ſober Converſation. The Oath of the Perſon ſuſpected, was, to declare his own Innocence; and the Oath of the Compurgators, that they believed, what he ſwore was true. This was the Rule of the ancient Canon Law; which (after the Oath of the *Perſon*) ſpeaking of the Compurgators, ſays, *Deinde* Compurgatores *ſuper Sancta Dei Evangelia jurabunt, quòd ipſi* credunt *eum verum juraſſe:* And from thence, it is thus deſcribed in the *Reformatio Legum*; *Hæc Formula* Purgationis *eſto:* Defenſor *ſe crimen non admiſiſſe jurato; Defenſoris* Liberatores (*vel, ut vulgò dicunt*, Compurgatores,) credere *ſe verum ejus Juramentum fuiſſe, juramento & ipſi affirmanto.*

Extra. l.5. t.34. c.5.

Ref. Leg. f. 37. a.

If the Perſon came at the day appointed, together with his Neighbours, and purged himſelf according to the Rules of the Church; he was diſmiſſed, and declared Innocent. and reſtored to his good Name, *Dominus dimiſit ab Officio, & declaravit ipſum innocentem fore, ac eundem reſtituit priſtinæ famæ* (as the Entry is;) but he was at the ſame time enjoyned to avoid the cauſe of Suſpicion, or the ground of the Fame, for the time to come. But if he appear'd not, he was declar'd Contumacious, and proceeded againſt as ſuch; or if he did appear, and could not perform Purgation (*i. e.* either would not ſwear to his own Innocence, or could not bring others to ſwear that they *believed* he ſwore true) ſuch failure was taken for Conviction, and the Judge proceeded to enjoyn Penance, in the ſame manner as if the Perſon had been duly Convicted, by his own *Confeſſion*, or by the *Teſtimony* of others.

Examples of this Proceeding *before* the Reformation, are without number, in the ancient Acts of Viſitation; and, tho' *ſince* the Reformation, the Accounts of what paſſed in Viſitations are either wholly omitted, or but lamely entred; yet, that the Exerciſe of the ſame wholſom Diſcipline continued, appears from nine inſtances thereof in a Viſitation of Archbiſhop *Parker*; and, no doubt, but many more may be found in the *Acts* of particular Regiſtries and Courts. And (whatever may be ſaid or ſuggeſted againſt it,) where the Life and Converſation of any Perſon has drawn upon him ſuch a ſtrong and general Preſumption of Guilt, that tho' he ſwears himſelf innocent, ſix or ſeven Perſons cannot be found in a whole Pariſh, who *believe* he ſwears true; ſuch an one ſeems to be fully ripe for the Shame and Scandal of publick Penance.

Regiſtr. *Park.* 312, b. &c.

I ſhall not make any Obſervation upon the *time*, when this important Branch of Eccleſiaſtical Diſcipline was aboliſhed; nor take upon me to ſay, how much the *loſs* of it has contributed to that unuſual *Boldneſs* and *Openneſs* with which Lewdneſs and other immoralities have ſince reigned, and do ſtill reign in this Nation: But this I may venture to affirm, that it cannot but be matter of Grief to all good Men, to all who are Lovers of Virtue and Religion, and have a concern for the Honour of God, to ſee the *Church* (to which the Suppreſſion of Vice more eſpecially belongs, and in whoſe Hands the Work is moſt likely to proſper,) thus *reſtrain'd* and *fetter'd*, in the Exerciſe of her Diſcipline.

CAP. II.

Of PENANCE.

A.D. 1261.
45 *H.* 3.

BONIFACIUS.

Laici ad exſolvendum pœnas Canonicas per Excommunicationis Sententiam compellantur. Impedientes, & Diſtrictiones Prælatorum procurantes, eâdem innodentur.

Of Penance.

Lyndw. Edit. Oxon. p. 321.

† Al. *fuerit.*

The Laity ſhall ſubmit to Eccleſiaſtical Penances, upon pain of Interdict and Excommunication.

EVenit, *& infrà.* Statuimus, quòd Laici ad exſolvendum quaſlibet pœnas tam *h* corporales quam pecuniarias *i* Canonicas, per Prælatos ſuos eis inflictas, præciſè per Excommunicationis Sententiam *k* compellantur. Impedientes verò nè pœnæ hujuſmodi exſolvantur, per Interdicti & Excommunicationis Sententias arceantur: & ſi propter hoc ad Diſtrictiones Prælatorum proceſſum † extiterit, contra diſtringentes per pœnas in ea parte dictatas procedatur.

h Corporales.] *Quales ſunt, Intruſio in Monaſterium, Incarceratio, Verberatio, Characteris Impreſſio, & aliæ hujuſmodi.* Lyndw.

i Canonicas] *i. e. Quas approbant Sacri Canones.* Lynd.

k Compellantur.] *Sed quæro, nunquid Pœna Corporalis alicui poſſit commutari in aliam,* viz. *Pecuniariam?* —— viz. *quando puniendi ſunt Inopes; nam hoc regulare eſt,* Quòd qui non luit in burſâ, luet in corpore. Lyndw.

A.D. 1281.
9 *Edw.* I.

JOHANNES PECCHAM.

Inceſtus, & cætera peccata graviora, ſolenni pœnitentiâ deleantur.

Lyndw. Edit. Oxon. p. 339.

The neglect of puniſhing the greater Crimes with *Penance,* having encouraged Wickedneſs, —it ſhall be duly inflicted.

PRæterea, cùm juxta *l* Sacros Canones, peccata graviora, ut Inceſtus, & ſimilia, quæ quaſi vulgatiſſima ſuo ſcandalo totam commovent Civitatem, ſint *m* ſolenni pœnitentiâ caſtiganda; Quorundam tamen negligentiâ agente, hujuſmodi Pœnitentia videtur quaſi in oblivionem tradita, & creviſſe per conſequens audacia hujuſmodi facinora horrenda & flagitia perpetrandi: Quocirca Præcipimus, ut hujuſmodi Pœnitentia ſolennis de cætero imponatur, ſecundùm Canonicas Sanctiones.

l Sacros Canones] 26. *q.* 6. *c. ult.* Lyndw.

50. Di. *in Capite.*

m Solenni Pœnitentiâ.] *Tres namque ſunt ſpecies Pœnitentiæ, ſcil. Solennis, Publica, & Privata.* Solennis *eſt, quæ fit in Capite Quadrageſimæ; quando omnes Pœnitentes, qui publicam ſuſcipiunt aut ſuſceperunt Pœnitentiam, ante fores Eccleſiæ ſe repræſentant Epiſcopo Civitatis, Sacco induti, nudis pedibus, vultibus in terram demiſſis; reos ſe eſſe, ipſo habitu & vultu proteſtantes:* [*ut eſt in Conc.* Agath. *ubi adjicitur,* "*Ibi adeſſe debent Decani,* i. e. *Archipresbyteri* "*Parochiarum, & Presbyteri Pœnitentium, qui eorum con-* "*verſationem diligenter inſpicere debent, & ſecundùm modum* "*Culpæ Pœnitentiam per præfixos Gradus injungere. Poſt* "*hæc, eos in Eccleſiam introducant, & cum omni Clero Sep-* "*tem Pœnitentiales Pſalmos in terrâ proſtratus Epiſcopus,* "*cum lachrymis pro eorum Abſolutione, decantet;* —*& cum* "*gemitu & crebris ſuſpiriis denunciet eis, quòd ſicut* Adam "*projectus eſt de Paradiſo, ita ipſi pro Peccatis ab Eccleſiâ* "*abjiciuntur. Poſt hæc, jubeat Miniſtris, ut eos extra Ja-* "*nuas Eccleſiæ expellant: Clerus verò proſequatur eos, cum* "*Reſponſorio* [In ſudore vultûs tui veſcèris pane tuo, *&c.*] "*ut videntes Sanctam Eccleſiam pro facinoribus ſuis treme-* "*factam, atque commotam, non parvi pendant Pœnitentiam.* "*In Sacrâ autem Domini Cœnâ, rursùs ab eorum Decanis,* "*& eorum Presbyteris, Eccleſiæ liminibus repræſententur.*]" Publica *eſt, quæ fit in facie Eccleſiæ, ſine ſolennitate, de quâ ſuprà dicitur.* Privata *eſt quæ quotidie fit, quando quis Peccata ſua ſingulariter ſuo Sacerdoti confitetur.* Lyndw.

A.D. 1548.
&c.

2 & 5 Edw. VI. — 13, 14 Car. II.

¶ [1] *A* Commination, *or Denouncing of God's Anger and Judgments againſt Sinners, with certain* Prayers, *to be uſed on the* firſt Day of Lent, *and at* other *times, as the* Ordinary *ſhall appoint.*"

¶ [2] *After* Morning Prayer, *the* Litany *ended, according to the accuſtomed manner, the* Prieſt *ſhall, in the Reading-Pew or Pulpit, ſay,*"

Open Penance at the beginning of Lent, being diſuſed,

BRethren, *mm* in the Primitive Church there was a godly Diſcipline, that at the beginning of *Lent,* ſuch Perſons as [3] ſtood convicted of notorious Sin," were put to open Penance, and puniſhed in this World, that their Souls might be ſaved in the day of the Lord, and that others, admoniſhed by their example, might [4] be the more afraid" to offend.

—till it may be reſtored, the Curſes of God againſt

Inſtead whereof, until the ſaid Diſcipline may be reſtored again, ([5] which is much to be wiſhed") it is thought good, that at this time ([6] in the preſence of you all") ſhould

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[1] *The firſt daie of* Lente, *commonly called* Aſhwedniſdaye, 2 *E.* 6. *A* Commination *againſt Synners, with certain Prayers to be uſed dyvers tymes in the yere,* 5 *E.* 6. [2] *After* Mattens *ended, the People being called together by the rynging of a bel, and aſſembled in the Churche: Thingliſhe* Letanye *ſhall be ſayde after thaccuſtomed manner: whiche ended, the Prieſte ſhall go into the Pulpit, and ſay thus,* 2 E. 6. *and alſo in* 5 E. 6. *except that inſtead of* After Mattens ended, *it is ſaid,* 5 *E.* 6. After Mornynge Prayer. [3] *Were notorious Synners,* 2 & 5 *E.* 6. [4] *Be more afrayed,* 2 & 5 *E.* 6. [5] *Whiche thynge is muche to be wiſhed,* 2 & 5 *E.* 6. [6] *In your preſence,* 2 & 5 *E.* 6.

mm **In the Primitive Church.**] See before, the Note on the Words, *Solenni Pœnitentiâ,* in this page.

impenitent Sinners ſhall be read.

Of Penance.

be read the general Sentences of God's Curſing againſt impenitent Sinners, gathered out of the ſeven and twentieth Chapter of *Deuteronomy*, and other places of Scripture; and that ye ſhould anſwer to every Sentence, *Amen*. To the intent [7] that being″ admoniſhed of the great Indignation of God againſt Sinners, [8] ye may the rather″ be [9] moved″ to earneſt and true Repentance, and may walk more warily in theſe dangerous days; fleeing from ſuch Vices, for which ye affirm with your own mouths the Curſe of God to be due.

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[7] *That you beyng*, 2 & 5 *E*. 6. [8] *May the rather*, 2 & 5 *E*. 6. [9] *Called*, 2 & 5 *E*. 6.

CAP. III.

COMMUTATION *of Penance*.

OTHO.

In Conſt. *De Archidiaconis*.

A.D. 1237. 22 *H*. 3.

Archdeacons ſhall not take Money for Penance, —on pain of forfeiting double; beſides the *Canonical* Puniſhment.

Commutation of Penance.

Otho. Edit. Oxon. p. 53.

——CUM autem Viſitent, corrigant, aut crimina puniant; aliquid ab aliquo recipere non præſumant, nec Sententiis aliquos involvant injuſtè, quòd ab eis poſſint Pecunias extorquere. Cùm enim hæc & talia Simoniacam ſapiant pravitatem, Decernimus, ut qui talia agere præſumpſerint, ſic extorta in duplum erogare in pios uſus arbitrio Epiſcopi compellantur: Salvâ nihilominùs aliâ Pœnâ Canonicâ contra eos.

OTHOBON.

A.D. 1268. 52 *H*. 3.

Summarium.

Prælati, juxta Conſtitutionem Othonis, *Eccleſias utiliter & fideliter viſitantes, nec eas expenſarum onere gravantes, ſed earum Rectores & Vicarios decenter in his quæ ſcire debent erudientes; caveant ſummoperè, ne pro aliquo mortali & notorio Crimine, vel de quo ſcandalum oriri poſſit, pecuniam à delinquente recipiant, ſed ipſum condignâ animadverſione puniant; idque Epiſcopi obſervandum curent.*

Commutations of Penance, are an Encouragement to Wickedneſs;

Othob. Edit. Oxon. p. 115.

DEUS Omnipotens, cujus omnia ſunt, prætium quodlibet pro delicto non accipit, & Holocauſtum non poſtulat pro peccato. Quidam verò ad aliorum regimen deputati hoc ignorantes, aut ex temeraria quadam induſtria contemnentes, cùm peccatur à ſubditis, debitam pœnam pro pecunia remittunt; ex quo fit, ut Deo non indulgente, tam Judex criminis quàm commiſſor, ſua in eodem ſacculo conſignent delicta, pariter judicandi. Et quia ſecundùm Beatum *Iſidorum*, nullam reus pertimeſcit culpam, quam redimere nummis exiſtimat; non ex hoc mala voluntas minuitur, vel mutatur, ſed potius datur auctoritas & licentia delinquendi.

— for preventing of which, *Otho* decreed, that Archdeacons ſhould viſit faithfully, —and neither ſpare, nor puniſh, for money:

Circa correctionem quidem criminum talium, præfatus etiam Legatus Statuit, ut Archidiaconi —— non pecuniam ad hoc ut non viſitent, vel non corrigant, vel ut crimina non puniant, ab aliquo recipere præſumant; nec aliquem ſententiis ſuis involvant injuſtè, ut ab eis poſſint pecuniam extorquere. Unde cum hæc ſapiant Simoniacam pravitatem, Decrevit, ut qui talia præſumpſerint agere, ſic extorta in duplum erogare in pios uſus arbitrio Epiſcopi ſui reſtituere compellantur, ſalvâ aliâ nihilominus pœnâ Canonicâ contra ipſos. ——

— to which it is now added, that Archdeacons ſhall not receive money for any mortal and notorious Sin.

Nos igitur Statutum prædicti Legati contra tales editum adjuvantes, adjiciendo Statuimus, ne Archidiaconi pro aliquo mortali & notorio crimine, vel de quo ſcandalum oriatur, pecuniam à delinquente pro ipſo recipiant, ſed commiſſum crimen puniant animadverſione condignâ. Epiſcopis verò diſtrictè præcipimus, ut hujuſmodi Statutum ſalutare firmiter faciant obſervari.

JOHAN-

A.D.1342. 16 *Edw.* 3.

JOHANNES STRATFORD.

Pro peccato notorio, aut recidivo continuato, non recipiatur pecunia, ſub pœna duplicis reſtitutionis; nec gravior pœnitentia corporalis quàm par eſt imponatur, ut pœnitens pecuniâ redimere cogatur; quam ſi redimat, non gravetur.

Lyndw. Edit. Oxon. p. 323.

QUoniam reus, & *infra.* Statuimus, quòd pro delicto notorio in recidivo *n* continuato diutiùs *o* ſecundâ vice non recipiatur pecunia ullo modo, ſub pœna reſtitutionis dupli pecuniæ contra hoc receptæ, infra menſem poſt receptionem ejuſdem, fabricæ Cathedralis Eccleſiæ applicandæ, ac Suſpenſionis ab Officio, quam, taliter recipientes pecuniam, niſi ejus duplum infra menſem reſtituerint, incurrere volumus ipſo facto. In commutationibus etiam Pœnitentiarum *p* Corporalium pro pecunia, quas abſque magna & *q* urgente cauſa fieri Prohibemus, locorum Ordinarii taliter moderentur, quòd delinquentibus Pœnitentias corporales graves & publicas non imponant adeò exceſſivas, ut cauſativè & per obliquum *r* cogantur redimere ſuas Pœnitentias pecuniariâ gravi Summâ. Sed commutationes hujuſmodi, cùm faciendæ in poſterum videantur, ſic fiant *s* modeſtè, quòd rapax non judicetur accipiens, & dans ipſe nimium non gravetur, ſub pœnis prædictis ſuperiùs annotatis.

Money ſhall not be received for notorious Offences; the ſecond time;

—nor ſhall Penances be ſo grievous, as to force Men to Commutations,

—which ſhall alſo be diſcreetly ordered.

n Continuato diutiùs] *Videtur, quòd ſufficiat, ut* binâ *vice committatur delictum, ad effectum ut dicatur* continuatum: *Et hoc verum, quoad* Recidivum, *de quo hîc loquitur; non tamen quoad Continuationem Recidivi; ubi requiritur quòd* pluries *recidivaverit. Et hoc intendit iſta litera, cùm dicit,* Continuato diutiùs. Lyndw.

o Secundâ vice.] *i. e. Secundâ recidivatione, vel quando ſecundò pro tali Crimine vocatur ad Correctionem.* Lyndw.

p Corporalium] *Quarum minima major eſt, quàm pœna pecuniaria. Fallit tamen hæc Regula in perſonis vilibus.* Lyndw.

q Urgente cauſâ] *Quia magis timetur pœna Pecuniaria, quàm Corporalis; vel quia perſona eſt Nobilis; vel talis, cujus Opinio exindè multum læderetur, & generaret grave Scandalum: pro quo vitando, quandoque omittitur veritas Juſtitiæ.* Lyndw.

r Cogantur] *Verecundiâ ducti.* Lyndw.

s Modeſtè] *i. e. Moderatè.* Lyndw.

A.D.1342. 16 *Edw.* 3.

JOHANNES STRATFORD.

In Conſt. *Accidit Novitate*, Sub Tit. *De Immunitate Eccleſiæ.*

Lyndw. Edit. Oxon. p. 261.

—— Alii præterea viros Eccleſiaſticos Juriſdictionem Eccleſiaſticam exercentes, & ſuis Subditis pro eorum Culpis & Exceſſibus Pœnitentias Corporales ſeu pecuniarias imponentes, ac ipſos facere cogentes eaſdem, ſicut ordinariè ipſis licet, aut pro Pœnitentiis corporalibus, juxta modum Exceſſuum ſuorum impoſitis, Redemptiones Pecuniarias prout juſtè poterunt, admittentes, de & ſuper Extortionibus exceſſivis indictant. —— Omnes & ſingulos —— Pronunciamus majoris Excommunicationis Sententiâ innodari. ——

Any Perſon diſturbing the Spiritual Judge in inflicting of Penance, or Redemption, —ſhall be Excommunicate *majori excommunicatione.*

A.D.1315.

9 Edw. II. Cap. 1.

In an Act, Entituled, —— *The Enjoyning of Penance.*

—— **If a Prelate enjoin Penance Pecuniary to a Man for his Offence, and it be demanded; the King's Prohibition ſhall hold place. Notwithſtanding, if Prelates enjoin a Penance Corporal, and the Party will *t* redeem ſuch Penance by Money,**

Money for Penance originally enjoyned, ſhall be recovered in the *Temporal* Court; but by Commutation, in the *Spiritual.*

t **Redeem ſuch Penance.**] The Laws of the Church concerning *Redemption*, or, as it is uſually ſtyl'd, *Commutation*, of *Penance*, are ſet forth in the foregoing Conſtitutions; and, becauſe it is a Liberty *liable* to be abuſed on many Accounts, and hath in all times been very much abuſed; the Church not only heretofore, but of later days alſo, hath made many wholſom Orders for the due *uſe* and *application* of it. As,

1. That there be no Commutation at all, but for very weighty Reaſons, and in Caſes very particular. So ſaith the *Reformatio Legum*, *Pœnitentias Eccleſiaſticas nolumus in pœnas mutari* pecuniarias, *niſi aliqua* gravis *interceſſerit &* neceſſaria *Cauſa*; or, as the Articles of 1571 expreſs it, *upon great and urgent Cauſes*; and the Articles of 1584, *Rarioribus, gravioribuſque de cauſis*: All which are thus explained in the Articles delivered to the Lords from the Lower Houſe of Convocation, *Ann.* 1580. *That is to ſay, either for ſome great value or dignity of the Perſon, or for fear of ſome deſperate Event, that will follow in the Party, that ſhould be put to open Shame.* And by the Archbiſhop, 21 *Jac.* I. in Dr. *Barker*'s Caſe, *The Offenders may be of ſeveral* Qualities; *and if ſome ſhould not be admitted to* Commutation, *ſuch a thing might lie on their Wives and Children, to their perpetual ſhame and blemiſh.*

Ref. Leg. f. 75, b.

Coll. Can. 194.

Str. Grind. App. p. 95, 99.

2 Rolle, p. 388.

2. That, when Commutation is made, it be with the Privity and Advice of the *Biſhop*; *Cùm ipſi* Epiſcopo *conſtiterit, Commutationem eſſe ad Reum reconciliandum & reformandum, ſaniorem & tutiorem rationem*; as it is in the Articles of 1584. And, in the Canons of 1571, *Ea poteſtas, multis gravibus de Cauſis,* Epiſcopo ſoli *reſervabitur, aut ſi quem alium Epiſcopus ad eum* uſum *ſpeciali mandato deſignabit.* (We find, in Archbiſhop *Whitgift*'s Regiſter, That the Commutation of Penance without the Biſhop's privity, was complain'd of in Parliament.) And, by the Articles of 1575, the Conſent of the Biſhop to the Commutation, is to be *under his Hand and Seal.* Then, by the Canons of 1640, *No* Chancellor, Commiſſary, *or* Official, *ſhall have power to commute any Penance, in whole, or in part; but either together with the Biſhop in Perſon, or his privity in Writing*; or (if in any caſe it be done *by himſelf)* at leaſt to give a *juſt Account* yearly to the Biſhop, of all Commutation-Monies in that Year, on pain of one year's Suſpenſion. And it is one of K. *William*'s Injunctions, That Commutation be not made, but by the expreſs order and direction of the Biſhop himſelf, declar'd in open Court.

3 Whitg. 135. No. 7.

Coll. Can. 32.

3. That the Money be apply'd to pious or charitable Uſes: To the Poor of the Pariſh, ſaith the *Reformatio*

if Money be demanded before a *tt* Judge Spiritual, the King's Prohibition *u* ſhall hold no place.

Commutation of Penance.

Legum; with this Addition, that the *Offender himſelf* put the Money in the Poor's Cheſt, in time of Divine Service, and in preſence of the Churchwardens. And the ſaid Articles in Convocation, the Articles of 1584, and the Canons of 1640, direct it to be employ'd, either for Relief of the *Poor*, or other *pious* and *publick* Uſes; which thoſe of 1640 ſay, is *according to Law*. It was alſo ſaid by the Lord-Keeper, in the Caſe of D. *Barker*, *That to his knowledge*, Accounts *of Commutation-Money had been uſually made* every year; *and had, ſometimes, been diſtributed by the Biſhop of* London, *among the poor Scholars of both* Univerſities.

2 Rolle, 389.

4. That if the Crime be *publick* and *notorious*, the Satisfaction made to the Church ſhall be ſignified to the Congregation where the Offender dwells; with publick Profeſſions of his Submiſſion and Repentance: as we find it in the Articles in Convocation, and in thoſe of 1584; but in the Canons of 1640, it is only ſaid, *That the Miniſter ſhall ſignifie it as he ſhall be directed.*

5. That the favour of Commutation ſhall not be granted a †*ſecond* time to the ſame Perſon for the ſame Fault; as it is in the *Reformatio Legum*, *Si quis autem Culpam eandem* geminaverit, *nullum illi præſidium in pecuniâ relinquimus.*

† V. Conſt. *Stratford*, p. 323.

In the reign of Queen *Anne*, ſome Regulations were made by the Convocation, in this matter of commuting Penance, as follow:

That no Commutation of Penance be hereafter accepted or allow'd of, by any Eccleſiaſtical Judge, without an expreſs Conſent given in Writing by the Biſhop of the Dioceſe, or other Ordinary having exempt Juriſdiction; or by ſome Perſon or Perſons to be eſpecially deputed by them for that Purpoſe: And that all Commutations, or pretended Commutations accepted or allow'd, otherwiſe than is hereby directed, be *ipſo facto*, null and void.

That no Sum of Money, given or received for any Commutation of Penance, or any Part thereof, ſhall be diſpos'd of, to any uſe, without the like Conſent and Direction in Writing, of the Biſhop, or other Ordinary having exempt Juriſdiction, if the Cauſe hath been proſecuted in their Courts; or of the Archdeacon, if the Cauſe hath been proſecuted in his Court. And all Money received for Commutation, purſuant to the foregoing Directions, ſhall be diſpoſed of to Pious and Charitable Uſes, by the reſpective Ordinaries above-named: Whereof at the leaſt one third Part ſhall by them be diſpos'd of in the Pariſh where the Offenders dwell. And that a Regiſter be kept in every Eccleſiaſtical Court, of all ſuch Commutations, and of the particular Uſes to which ſuch Money hath been applied. And that the Account ſo Regiſter'd, be every Year laid before the Biſhop, or other exempt Ordinary, having Epiſcopal Juriſdiction, in order to be Audited by them. And that any Eccleſiaſtical Judge or Officer offending in any of the Premiſſes, be ſuſpended for three Months for the ſaid Offence.

Viſit. Par. and Gen. p. 143.

At the ſame time that I enumerate theſe Regulations, which have been heretofore made; I am ſenſible, that none of them are *in force* at this day: But yet they may be uſeful Rules to walk by, till ſomewhat more *authentick* ſhall be fram'd and publiſh'd upon this Head.

In the mean time, it muſt not be omitted, that in the 21*ſt* of *James* I. a Complaint was brought into the *Star-Chamber* againſt Dr. *Barker*, Official of *Oxford*, for divers Abuſes in the *Commutation of Penance*; two of which Articles fall in with thoſe we have juſt now mention'd, *viz.* That he granted it to a Perſon *Relapſed*; and, That he did not employ the Money to Pious Uſes. And the other Four are as follows. 1. That he admitted the Party to Commutation, before enjoyning the Penance; and therefore it was a Commutation of nothing. 2. That he did it in *open Court*; upon which Head, *Hobart* diſtinguiſhed upon Commutations, in Cauſes between *Party and Party*, and in Cauſes *ex Officio*; that the firſt could not be made but in open Court, and with conſent of the oppoſite Party; but that the other might be done out of Court. 3. That it was not done in the preſence of the *publick Regiſter*; to which *Hobart* ſaid, That if it was done before a Notary, that was ſufficient. 4. That it was not enter'd in the *Acts of Court*; but *that*, *Hobart* ſaid, was not chargeable on the *Official*, but on the *Actuary*.

2 Rolle, 384.

Inſtead of *regulating* Commutations, and the Abuſes of them, the Commons in Parliament Petition'd (1 *R.* II. & 1 *H.* V.) that there might be *no Commutations at all.*

Rot. Parl. 1 *R.* 2. 1 *H.* 5.

tt **Judge Spiritual.**] It ſeems to be agree'd by the Canoniſts, that Archdeacons may not inflict pecuniary Penalties, unleſs warranted by Preſcription.

Lyndw. de Off. Archid. c. *Eiſdem*, v. *Pœna*, p. 51.

u **Shall hold no place.**] It hath been infer'd, that the Temporal Judges *went on* to grant Prohibitions, notwithſtanding this Statute; becauſe the Clergy obtain'd a new Clauſe to the ſame effect in the Statute made in the 15*th* of *Edw.* III. Which is true in Fact, but ſeems not to warrant the Inference made; or if it do warrant it, it proves at the ſame time, that the Judges, for their parts, acted in contradiction to an expreſs Law.

V. ſupr. T. 45. c. 3.

9 Edw. II. Cap. 3.

A.D. 1315.

Excommunication for Penance corporal.

If any lay violent Hands on a Clerk, and redeem the Penance, the money ſhall be required before the Ordinary.

Moreover, if any lay violent hands on a Clerk, the amends for the peace broken ſhall be before the King; for the Excommunication before a Prelate, that Penance corporal may be enjoyned, which if the Offendor will redeem of his own good-will, by giving money to the Prelate, or to the party grieved, it ſhall be required before the Prelate, and the Kings Prohibition ſhall not lie.

Of Suſpenſion, *and* Interdict.

It may be proper to ſet down here, what we find in the Canon-Law, 1. Concerning the ſenſe of the word *Cenſura*: *Quærenti, quid per cenſuram Eccleſiaſticam debeat intelligi, cùm hujuſmodi clauſulam in noſtris literis apponimus; Reſpondemus, quòd per eam non ſolùm interdicti, ſed ſuſpenſionis, & excommunicationis ſententia valeat intelligi: niſi Judex diſcretus, rerum, & perſonarum circumſtantiis indagatis, ferat, quam magis viderit expedire.* 2. The previous Admonition: *Præſenti decreto ſtatuimus, ut nec Prælati* (*niſi canonicâ commonitione præmiſſâ*) *ſuſpenſionis, vel excommunicationis ſententiam proferant in Subjectos, niſi forte talis ſit culpa, quæ ipſo ſuo genere ſuſpenſionis, vel excommunicationis pœnam inducat. Nec ſubjecti contra diſciplinam Eccleſiaſticam in vocem appellationis erumpant.* In Archbiſhop *Arundel*'s Regiſter, mention is made of an Appeal from a Sentence of Suſpenſion, as unjuſt, for Want of a Canonical *Monitio.* 3. That the Sentence muſt be *in writing*: *Statutis generalibus juſſimus, ut univerſi Judices, quibus reddendi juris in provinciis permiſimus facultatem, cognitis*

Extra. l. 5. t. 40. c. 20.

Ib. l. 2. t. 28. c. 26.

Arund. 429. a.

Cauſ. 2. q. 1. c. 8.

Commutation of Penance.

tis cauſis ultimas definitiones de ſcripti recitatione proferant. Huic adjicimus ſanctioni, ut ſententia, quæ dicta fuerit, cùm ſcripta non eſſet, nec nomen quidem ſententiæ habere mereatur, nec ad reſciſſionem perperàm decretorum, appellationis ſolennitas requiratur. 4. That both Parties muſt be preſent; *Sententia, abſente aliâ parte, à Judice dicta, nullam obtineat firmitatem.*

Cauſ. 3. q. 9. c. 11.

I. In the Laws of the Church, we read of two ſorts of **Suſpenſion**; one, relating ſolely to the Clergy, the other extending alſo to the Laity.

That which relates ſolely to the Clergy, is, *Suſpenſion ab Officio & Beneficio* jointly; or, *ab Officio*, or *Beneficio*, ſingly; and may be call'd a *temporary* Degradation, or Deprivation, or both. So we find it deſcrib'd by *John de Athon*, Depoſitus *dicitur, qui privatus eſt Beneficio & Officio, licèt non ſolenniter*; Degradatus, *qui utroq; eſt privatus ſolenniter, Inſigniis ſibi ablatis*; Suſpenſus, *qui eſt privatus utroq; ad tempus, non in perpetuum.*

Otho, de Conc. Cler. c. *Licet*. v. *Suſpenſi*. p. 41.

The penalty upon a Clergyman officiating *after* Suſpenſion, is thus ſet forth in the Canon-Law: *Si quis Presbyter, aut alius Clericus fuerit degradatus, aut ab officio pro certis criminibus ſuſpenſus, & ipſe per contemptum & ſuperbiam aliquid de miniſterio ſibi interdicto agere præſumpſerit, & poſtea ab Epiſcopo ſuo correptus, in incœpta præſumptione perduraverit, modis omnibus excommunicetur: & quicunque cum eo communicaverit, ſimiliter ſe ſciat eſſe excommunicatum.*

Extra. l. 5. t. 27. c. 2.

The other, which relates to the *Laity* alſo, is, *Suſpenſio ab ingreſſu Eccleſiæ*, or from the hearing of Divine Service, and receiving the Holy Sacrament; which may therefore be call'd a *temporary Excommunication*; and was heretofore much in uſe for Crimes and Scandals of the leſſer nature, while Chriſtians had true Notions of Church Diſcipline, and few were found ſo wicked, as not to reckon it a great Affliction to be debarr'd the Benefits of Chriſtian Communion, tho' but for a time. And altho' this Cenſure is now diſus'd, as being generally thought no *Puniſhment* by thoſe that deſerve it; yet, that it is ſtill a legal Cenſure of the Church of *England*, appears, not only from many ancient Canons and Conſtitutions in this Kingdom, which are ſtill in force; but alſo from an expreſs Act of Parliament, which provides, that *if any Perſon quarrel, chide, or brawl, in any Church, or Churchyard, it ſhall be lawful to the Ordinary of the Place to* ſuſpend *every Perſon ſo offending*; *that is to ſay, if he be a Layman*, ab Ingreſſu Eccleſiæ, *and if he be a Clerk, from the Miniſtration of his Office*; *for ſo long time as the ſaid Ordinary ſhall by his diſcretion think meet and convenient, according to the fault.*

5 *E.* 6. c. 4. §. 1.

The two ſorts of Suſpenſion aforeſaid (relating, one to the Clergy alone, and the other to the Laity chiefly) do herein agree; That both are inflicted for Crimes of an *inferior* nature; *viz.* ſuch as, in the firſt caſe, deſerve not Deprivation, nor, in the ſecond caſe, Excommunication: That both, in *practice* at leaſt, are *temporary*; both alſo terminated, either at a certain time, when inflicted for ſuch a time; or, upon Satisfaction given to the Judge, when they are inflicted till ſomething he hath enjoyn'd, ſhall be perform'd: And laſtly, both (if unduly perform'd) are attended with further Penalties; that of the Clergy, with *Irregularity*, if they act in the mean time; and that of the Laity (as I conceive) with Excommunication, if they either preſume to join in Communion during their Suſpenſion, or do not in due time perform thoſe things, the performance whereof ſuch Suſpenſion was deſign'd to *enforce*.

Ref. Leg. 77. 2.

II. As Suſpenſion *ab ingreſſu Eccleſiæ* takes away *one* Perſon from the Communion of Chriſtians; ſo did another Eccleſiaſtical Cenſure, namely, **Interdict**, not only take away a *Multitude*, from the ſame at once, but oft-times alſo took away the Uſe of the Services and Sacraments themſelves; the firſt call'd an Interdict of *Perſons*, and the ſecond an Interdict of *Places*; and both frequently exercis'd, before the Reformation, upon whole Villages, Towns, Provinces, and even Kingdoms; till they ſhould make Satisfaction for Injuries done, or abſtain from Injuries they were doing, to the Church. Which is, in effect, the Definition that the Canoniſts give of an Interdict, *viz. Cenſura Eccleſiaſtica, quâ certis perſonis aut loco, à Jure vel Judice Eccleſiaſtico, divinis Officiis & Sepulturâ, Sacramentorùmque perceptione, donec Imperatis ſatisfecerint, Interdicitur.*

But this Cenſure having been long diſuſed, and nothing of it appearing in the Laws of Church or State, ſince the Reformation; it may ſuffice to have barely mention'd it: referring thoſe who have the Curioſity to know more of this (as well as the *other* Cenſures) to the *General Index*; where they will find, under the reſpective Heads, in what Caſes, and againſt what Perſons, Excommunications, Suſpenſions, and Interdicts, of all kinds, have been enjoyn'd by the Conſtitutions and Canons of the Church of *England*.

CAP. IV.

EXCOMMUNICATION, *and its* EFFECTS.

STEPHANUS.

A.D 1222. 6 *H.* 3.

Nemo Excommunicationem promulget, ubi exceſſus non eſt manifeſtus, niſi monitione Canonicâ præcedente.

Archdeacons and Officials ſhall not promulge Excommunications, *&c.* without Monition, — upon pain of Suffering according to the *Lateran* Council: or at the diſcretion of their Superiors.

Excommunication, and its Effects.

Lyndw. Edit. Oxon. p. 348.

UT Archidiaconi, & *infrà.* Ad hæc, Eccleſiaſtici Ordinis utilitate penſatâ pariter & honore, Decernimus, ne Archidiaconi, vel Officiales eorum Sententias *uu* Excommunicationis, Suſpenſionis, vel Interdicti, in *uuu* aliquem audeant promulgare, ubi exceſſus non eſt *x* manifeſtus, niſi *xx* monitione *y* Canonicâ præcedente. Si quis autem contra præmiſſa Sententiam Excommunicationis tulerit in quemcunque, pœnæ ſubjaceat per *z Lateranenſe* Concilium in tales promulgatæ. Pro Suſpenſione vero vel Interdicto, Superioris arbitrio puniatur; quod etiam Prælati Superiores obſervent.

Extra. l. 5. t. 39. c. 59.

uu Excommunicationis] *Si quem ſub hac forma verborum,* Illum excommunico, *vel ſimili, à Judice ſuo excommunicari contingat; dicendum eſt eum non tantùm minori, (quæ à perceptione ſacramentorum) ſed etiam majori excommunicatione (quæ à communione fidelium ſeparat) eſſe ligatum.*

6 Decretal, l. 5. t. 11. c. 5.

uuu Aliquem] Contra Univerſitatem vel Collegium Excommunicatio denuncianda non eſt: *In univerſitatem, vel collegium proferri excommunicationis ſententiam penitus prohibemus, volentes animarum periculum vitare, quod exinde ſequi poſſet, cùm nonnunquam contingeret innoxios hujuſmodi ſententia irretiri, ſed in illos duntaxat de collegio, vel univerſitate, quos culpabiles eſſe conſtiterit, promulgetur.*

x Manifeſtus.] *Hìc ſcias, quòd* Manifeſtum, *eſt publica ſeu famoſa Inſinuatio vel Proclamatio, & communis, ex certâ ſcientiâ, & à certis auctoribus proveniens, nondum judicialiter diſcuſſa.* —— *In hoc datur differentia inter* Famoſum & Manifeſtum, *quia in* Famoſo *ſufficit, quòd Fama habuerit ortum à certo auctore, & quòd hoc clamet tota Vicinia, vel major pars: nec eſt neceſſe, quòd oſtendantur auctores, qui hoc habuerunt ex certâ ſcientiâ vel præſentiâ. In* Manifeſto *autem, oportet quòd plures affuerint auctores, qui per certam ſcientiam hoc apprehenderunt, & ſuper hoc poſſent teſtificari.* —— *Quot autem exigantur, non poſſet certa dari doctrina, ſed relinquitur arbitrio Judicis, dummodò non excedant* majorem partem *populi vel viciniæ: quia ſic eſſet* Notorium. Lyndw.

xx Monitione] *Hìc ſcias, quòd ubi Superior fert Sententiam Excommunicationis, in vim Statuti, non eſt aliqua Monitio neceſſaria; ubi verò Excommunicatio fertur in vim Sententiæ, & Excommunicans procedit ut Pars, quæ jura ſua defendit mucrone ſpirituali, quod ſatis licet; non eſt neceſſaria monitio. Nam ubi aliquis non admittit ſuum Superiorem ad exercendum Jus ſibi competens, videlicet Officium Viſitationis, vel, poſtquam Viſitaverit, non vult ſolvere Procurationes debitas, cùm ex hoc probetur ipſius Contumacia manifeſta, non eſt opus Monitione. Si verò Superior procedat ut Judex, & puniat Delicta præſentia vel præterita; tunc neceſſaria eſt Monitio ante fulminationem Cenſuræ Eccleſiaſticæ.* Lyndw. Et alibi: *Citari debent, allegaturi cauſam rationabilem, quare propter ipſorum Offenſam non debeant Excommunicari; quam ſi in termino eis præfixo comparentes non allegaverint, nec ſe ab offenſâ hujuſmodi ſufficienter excuſaverint; vel, juſſi ſatisfacere, hoc noluerint facere; Excommunicari poterunt. Si autem legitimè citati non comparuerint, tunc ratione Contumaciæ ſuæ poterunt Excommunicari.*

Lyndw. de Sent Excom. c. *Prætereà*, v. *Servato.*

y Canonica] *Regulariter, talis Monitio debet eſſe* trina; *ſed ex neceſſitate illius non requiritur omninò trina monitio, quia ſufficit ut ſit Monitio competens; honeſtum tamen eſt, quòd Monitio ſit trina.* Lyndw.

z Lateranenſe Concilium] *Extra. de Senten. Excommunicationis, c. Sacro.* —— *Quòd ſi contrà præſumpſerit, etiamſi juſta fuerit Excommunicationis Sententia, ingreſſum Eccleſiæ per menſem unum ſibi noverit interdictum; aliâ nihilominus pœnâ mulctandus, ſi viſum fuerit expedire.* Lynd.

Extra. l. 5. t. 39. c. 48.

BONIFACIUS.

In Conſt. *Præterea*, Sub Tit. *De Sententia Excommunicationis.*

Cenſures ſhall be duly Executed upon Perſons Communicating with Excommunicates.

Lyndw. Edit. Oxon. p. 352.

——Contra Communicantes cum *a* Excommunicatis procedatur ſecundùm Cenſuras Eccleſiaſticæ Diſciplinæ.

a Excommunicatis] *Quorum Communicatio vitari debet, ſi ſint Excommunicati* majori *Excommunicatione; ſecùs ſi* minori. *Nam talis vitari non debet, cùm non ſit excluſus à Communione hominum, ſed ſolùm à Participatione Sacramentorum.* Lyndw. — *Excommunicatio ſimpliciter prolata intelligitur de majori.*

Lyndw. de Proc. c. *Exhorrendà.* v. *Excomm.* p. 78.

JOHANNES STRATFORD.

In Conſt. *Sæculi Principes*, Sub Tit. *De Immunitate Eccleſiarum.*

Excommunicates ſhall be Inhibited the Commerce and Communion of the Faithful, and all perſons Communicating with them, ſhall be Cenſured.

Lyndw. Edit. Oxon. p. 266.

——Ipſorum *b* Commercium, ad eorum commodum, & fidelium Communio Inhibeatur omnino; Communicantéſque cum eiſdem illicitè, *c* Cenſurâ Eccleſiaſticâ ſine delectu acriter puniantur.

b Commercium] *i. e. Emptio, vel Venditio; ſive aliàs Mercium commutatio.* Lyndw.

c Cenſurâ Eccleſiaſticâ] *i. e. Excommunicatione Minori, quando non ſunt moniti, ut deſiſtant; vel Excommunicatione Majori, poſt Monitionem nominatim eis factam.* Lyndw.

A.D 1562.

39 ARTICLES.

xxxiii. *Of Excommunicate Perſons, how they are to be avoided.*

THAT perſon which by open Denunciation of the Church is *d* rightly cut off from the Unity of the Church, and Excommunicated, ought to be taken, of the whole Multitude of the Faithful, as an *e* Heathen and Publican, untill he be openly reconciled by Penance, and received into the Church by a Judge that hath Authority thereunto.

An Excommunicate Perſon ought to be taken as an Heathen or Publican.

d **Rightly cut off.**] For the due and ſolemn Exerciſe of Excommunication in the Church, divers Proviſions have been made from time to time: As,

Ref. Leg. f. 80. a.

1. That it be uſed, by way of *Puniſhment* only for *great* and *heinous* Crimes: So is the Rule in the *Reformatio Legum*, *Non debet Excommunicatio* minutis *in delictis verſari, ſed ad* horribilium Criminum *atrocitatem admovenda eſt, in quibus Eccleſia graviſſimam Infamiam ſuſtinet, vel quòd illis evertatur Religio, vel quòd boni mores pervertuntur.* Which Matter was intended to be the Subject of an Act of Parliament in the Reign of K. *James* I. upon a Meſſage from the King to that purpoſe; as appears by the Journal of the Houſe of Lords.

Journ. Proc. 3 Jac. 1. 7 Jac. 1.

And becauſe the frequent uſe of Excommunication in Caſes of Contumacy, for not appearing, or diſobeying of Sentences, tho' in the *ſmalleſt* Matters, and thoſe oft-times of a Civil nature, is one principal means of bringing a Contempt upon it, and yet is the only way which the Spiritual Court has to enforce Obedience; therefore an Expedient was thought of in the Reign of Q. *Elizabeth*, That the Eccleſiaſtical Judge ſhould pronounce ſuch Perſons *Contumaces*; and, *in pœnam Contumaciæ*, further pronounce them *Eccleſiaſticæ Juriſdictionis Contemptores*; and if they did not ſubmit in forty days, then a Writ *de Contumace Capiendo* to be awarded, with like force, to all *Civil* Effects, as the Writ *de Excommunicato capiendo* had.

Stry. Grindal, App. 97, 99.

2. That it be not pronounced *Raſhly* and *Precipitately*; Againſt which, the foregoing Conſtitutions provided ſo far, as to forbid the doing of it without previous *Monition*, or *Notice*, to the Party. (And where the Canoniſts ſpeak of Excommunications *ipſo facto*, they are, I think, unanimous, that a Declaratory Sentence is neceſſary.) But the *Reformatio Legum* goes further, and enjoyns *Time* to be alſo given to the Party for mature Deliberation, tho' he appears, and is obſtinate; *Nullus Judex Excommunicatione quenquam percutiet, niſi* ſemel, *atque* iterùm, *& etiam* tertiò, *ſi res id requirit, illum præmonuerit; ut ſe ipſe, ſi fieri poteſt, tempeſtivè corrigat. Tum etiam reo certum tempus ad* deliberationem *relinquatur, in quo ſecum ipſe conſtituat, utrùm ſanis Conſiliis obſecuturus ſit.* But in caſe he did not appear, then the Rule was, *Hujus pertinacia* ſtatim *in Excommunicationem incidat.*

Ref. Leg. f. 80. b.

3. That it be pronounced by none but the *Biſhop*, or other Perſon in *Holy Orders*: In Cauſes of Correction, and where it is a Puniſhment inflicted upon great Offences, there to be pronounced by the Biſhop himſelf, or other Eccleſiaſtical *Judge* in Holy Orders; and, in Caſes of Contumacy, by a Presbyter who hath Authority from the Biſhop or Archdeacon, and whom all Eccleſiaſtical Judges, being *Laymen*, ſhall be oblig'd to call to their *Aſſiſtance* therein. To this purpoſe, is one of the Articles in 1584: And tho' the Canons of 1571 gave leave to *Lay*-Judges to pronounce it in Cauſes of Inſtance, yet the Canons of 1640 reſume the former Rule, and do *in all Caſes* require a Perſon of Holy Orders; enjoyning it to be done *by ſome grave* Miniſter *Beneficed in the Dioceſe, being a Maſter of Arts at leaſt, and appointed by the Biſhop; and the Prieſt's Name pronouncing ſuch Sentence of Excommunication to be expreſſed in the Inſtrument iſſuing under Seal out of the Court.* And this, I think, in the main, is the Rule that has obtain'd, in *Practice.*

Col. Can. in Art. *Pro Clero*, p. 195. Can. 1571. p. 230. Can. 1640.

e **Heathen and Publican.**] This is according to the ancient Rule of the Church: Εἴ τις ἀκοινωνήτῳ, κἂν ἐν οἴκῳ, συνεύξηται, οὗτος ἀφοριζέσθω. *i. e. Si quis cum excommunicato, vel in Domo, unà* precatus *fuerit* [much more if he *communicates* with him] *ſegregetur.* And it was further Ordained by many other ancient Conſtitutions of the Church, that if a Perſon Excommunicated in one City or Dioceſe, went to another, whoever receiv'd him to Communion, ſhould be alſo Excommunicate: (for which reaſon, no *Strangers* were to be received to Communion, till they ſhew'd their γράμματα συστατικὰ, or Letters of Recommendation;) and the ſame was made part of our *Engliſh* Conſtitution, in the Council of *London, ann.* 1126. *Nemo excommunicatum alterius præſumat in communionem ſuſcipere: quòd ſi ſcienter fecerit, & ipſe communione careat Chriſtianâ.*

Can. Ap. 10. 4 Carth. 73. 1 Tolet. c. 12.

Can. Ap. 12, 13. 1 Nic. c. 5. Sard. 13. Carth. 9.

Spel. V. 2. p. 36.

1 Jac. 1.

CANONS 1603.

In Can. lxxxv. Entituled, *That Churches be kept in ſufficient Reparations.*

—— But eſpecially † they ſhall ſee that, in every Meeting of the Congregation, Peace be well kept, and that all Perſons Excommunicated, and ſo denounced, be kept *ee* out of the Church.

† *The Church-wardens, &c.*

Perſons Excommunicate ſhall be kept out of the Church.

ee **Out of the Church.**] If a Clergyman préſume to officiate after he is Excommunicated, the Canon-Law directs him to be depriv'd: *Clerici autem, ſi qui à ſuis, aut etiam de mandato Romani Pontificis ab alienis Epiſcopis interdicti, vel excommunicati, ante abſolutionem divina officia celebraverint, niſi moniti ſine dilatione redierint, perpetuæ depoſitionis ſententiam pro auſu tantæ temeritatis incurrant.*

Extra. l. 5. t. 27. c. 3.

Presbyteros autem, & alios Clericos, qui pro ſuis exceſſibus à te nexibus anathematis canonicè innodati præſumpſerunt, vel præſumunt officia celebrare divina, rationabiliter poteris omnibus beneficiis Eccleſiaſticis ſpoliare.

Extra. l. 5. t. 27. c. 6.

A.D 1605.

3 Jac. I. Cap. 5.

In an Act, Entituled, *An Act to prevent and avoid Dangers that may grow by Popiſh Recuſants.*

§. XI. —— **Every Popiſh Recuſant which is or ſhall be convicted of Popiſh Recuſancy, ſhall ſtand and be reputed to all intents and purpoſes diſabled, as a perſon lawfully and duly Excommunicated, and as if he or ſhe had been ſo denounced and excommu-**

Popiſh Recuſants ſhall be diſabled, as Excommunicates;

—and any Perſon ſued by them may plead ſuch Diſability.

Excommunication, and its Effects.

excommunicated, according to the Laws of this Realm.——And every perſon and perſons *f* ſued or to be ſued by ſuch perſon ſo diſabled, ſhall and may *g* plead the ſame, in diſabling of ſuch Plaintiff, as if he or ſhe were excommunicated by Sentence in the Eccleſiaſtical Court.

Bract. l. 5. f. 426. b. Flet. l. 6. c. 38.

f **Sued or to be ſued.**] This is the ancient Law of *England*, as appears by *Bracton*; where it is not only ſaid, *Cum excommunicato nec* orare, *nec* loqui, *nec* palam *nec* abſconditè, *nec* veſci *licet, exceptis quibuſdam perſonis*; but alſo, *Excommunicato interdicitur omnis Actus* legitimus; *ita quòd agere non poteſt, nec aliquem convenire, licèt ipſe ab illis poſſit conveniri.* And, that *Actus legitimus* was underſtood in a larger Senſe, than *ſuing*, appears from the Letters written by the Biſhops to the Temporal Courts, not only † *Ne excommunicatum in Curiis vel* Judiciis *admittant*; but more expreſly to repel them ‡ *ab agendo, teſtificando, & aliis Actibus legitimis*; and elſewhere, * *à patrocinando coram eis.*

† Regiſtr. Courtn. 174, b. Arund. 439, a. ‡ Chich. 116, b. * Arund. 415, a.

Upon this Head, the *Reformatio Legum* ſays, *Nec Excommunicatos ad* Eccleſiaſtica Beneficia *ſumi fas eſt*; *quos ad* menſam *vel ad* colloquium *adhibere, nefas exiſtimatur*; which (as well as the Diſability to † Sue, and be an * Advocate,) is agreeable to the Rule of the Canon-Law: *Conſultationi tuæ taliter reſpondemus, quod cum excommunicatis communicari non debeat, Clericis excommunicationis vinculo innodatis eccleſiaſtica beneficia conferri non poſſunt, nec illi valent ea licitè retinere, niſi forſitan cum eis fuerit miſericorditer diſpenſatum: cùm ea non fuerint canonicè conſecuti.*

† Cauſ. 4. q. 1. c. 1. * Extra. l. 2. t. 19. c. 7. Extra. l. 5. t. 27. c. 7.

Illi verò, qui ſcienter illa beneficia talibus contulerunt, tamdiu debent à beneficiorum collatione ſuſpendi, donec ſuper hoc veniam conſequi mereantur: ut puniantur in hoc, in quo delinquere præſumpſerunt.

Reg. *Pecch.* f. 52, a. 1 Inſt, 232. a.

To theſe I will add, what I find in the Regiſter of Archbiſhop *Pecham*, upon his Collation to the Vicarage of *Hadleigh*: The Entry is, *Spectant' ad collationem ſuam, pro eo quòd Rector ejuſdem, qui alium* Præſentavit *ad eandem, fuit excommunicationis Sententiâ innodatus.*

3 Lev. 208.

Under the ſame diſability, are *Executors*, and *Adminiſtrators*, as well as others, being Excommunicate; but where one of the Executors of the Lord *Petre* was a Recuſant Convict, and therefore as Excommunicate, (and being one of the Plaintiffs) that diſability was pleaded againſt him, and againſt the reſt alſo as *converſing* with him; the Court adjudg'd, that it only *ſuſpended* the Action, and did not *abate* it. But Note, that my Lord *Coke* lays it down for a *general* Rule, That when a Plea of Excommunication is allow'd, the *Writ* ſhall not *abate*, but the Entry is, *quòd remaneat loquela ſine die quouſque, &c.*

8 Rep. 69, b.

1 Inſt. 134.

But if *Bailiffs and Commons*, or any other Corporation *aggregate* of many, bring an Action; Excommunication in the Bailiffs ſhall not diſable them, for that they ſue and anſwer by *Attorney*.

Noy, 88.

And where it appear'd in the *Bill*, that the Plaintiff was a Recuſant Convict, and ſo a Perſon Excommunicate, notwithſtanding which the Defendant had anſwer'd him, and then pray'd a Prohibition; the Court told him, That by Anſwering he *admitted* him a Perſon able, and it was too late for that Plea; and Prohibition was deny'd.

Nor, where a Biſhop is Defendant, ſhall an Excommunication by the ſame Biſhop, (altho' for another Cauſe, than that in queſtion) diſable the Plaintiff.

Bract. f. 426, b.

V. Cap. 5.

1 Inſt. 133, b.

g **Plead the ſame.**] The Manner of Pleading this, is deſcrib'd by *Bracton*, as follows: *Oportebit eum qui excipit in hoc caſu, habere Literas* Ordinarii *(ſicut Archiepiſcopi, vel Epiſcopi, vel alterius Judicis Ordinarii, vel Delegati,) rei veritatem teſtificantes, quòd talis* nominatim *Excommunicatus ſit, & ex tali cauſâ; vel ſi Ordinarius præſens ſit, & hoc teſtificetur vivâ voce:* (where *nominatim* is put, in oppoſition to the *general* Denunciations which were uſual in thoſe days:) To the ſame purpoſe is that of *Littleton*, *Of the Excommunication, it behoves him to ſhew the* Biſhop's Letters *under his* Seal, *and ask Judgment if the Plaintiff ſhall be anſwered.* But whereas *Bracton* intimateth, that a *commiſſary* or *official* may teſtifie Excommunication, *Littleton* names the Biſhop only; becauſe therein the Law is changed, and none can Certifie it but only the Biſhop, or the Vicar-General *Epiſcopo in remotis agente*, or the Guardian of the Spiritualties *vacante ſede*; who may do it, either by *direct Certificate* that the Perſon is Excommunicate, or by Letters Teſtimonial reciting the *Entry* thereof in the Regiſter, and atteſting that ſuch Entry is there found.

Fitzh. N. B. Excom. Cap.

3 Keb. 60, 69. 1 Ventr. 122.

Lyndw. de Sen. Ex. c. *Prætereà*. v. *Prælatorum*. p. 350.

Of this Power, as reſtrain'd to the Biſhop, *Lyndwood* writeth thus: *Ad Rogatum Prælatorum* Inferiorum *Rex non conſuevit ſcribere pro Captione Excommunicatorum. Unde, ſi aliquis fuerit Excommunicatus ab inferiori Epiſcopo, viz.* Decano *vel* Archidiacono, *invocatio Regiæ Majeſtatis fieri debet per Epiſcopum; nam Inferiores Epiſcopo non poſſunt invocare Brachium Seculare: ſed Epiſcopi exequentur eorum Sententias. Quòd ſi Epiſcopi hoc facere noluerint, ad hoc compelli poſſunt per* Archiepiſcopum.

Lyndw. de Cohab. Cler. & Mul. c. *Ut Cler.* v. *Brach.* p. 127. 8 Rep. 68. a.

The reaſon then why none but the Biſhop may Certifie, is, becauſe none who was Inferior to a Biſhop might call in the Secular Arm, by the Laws of the Church; but my Lord *Coke* has found another Reaſon, *Becauſe no Certificate of Excommunication by any ſhall diſable one, but the Certificate of him to whom the Court may write to* abſolve *the Party Excommunicated.* However, be the Reaſon what it will, when a Certificate was from the Official or Commiſſary of the Biſhop, it was held, that it did not *diſable* the Perſon. And in the ſame Caſe, (*viz. Trollop*'s Caſe) it is affirm'd, that the Certificate ought to be *directed* either to the *Court*, or at leaſt *Univerſis S. Matris Eccleſiæ filiis*; and that it ought to contain the *Cauſe in ſpecial* of the Excommunication, to the end the Temporal Judges may ſee, whether the Spiritual Court have cogniſance of the Original Cauſe, and whether the Excommunication be according to Law; that if it be otherwiſe, they may write to them, to *Abſolve* the Party.

V. infr. c. 23. §. 13. Coſ. p. 9. *Lyndw.* de Sen. Ex. c. *Prætereà*. v. *Dari debet*.

But altho', when the Proceeding is upon any of the *ten* Crimes mentioned in the Statute 5 *Eliz.* the *particular original* Cauſe muſt be expreſſed in the Certificate; it hath been doubted, whether that be required in *other* Caſes, or according to Common Law. The Notion in *Lyndwood*'s time concerning this Matter, was, *Judex Secularis non habet Cognitionem, ſed meram Executionem*; and there are divers Writs in the Regiſter, which only ſay in general, that the Party was Excommunicated † *propter ſuam manifeſtam Contumaciam*, and, * *propter ſuam manifeſtam Contumaciam in non parendo certis Mandatis licitis ſibi factis*, and, ‡ *propter manifeſtas offenſas ſuas.*

† Reg. 65, a. 66, a. 69, a. * Ib. 65, b. ‡ Ib. 66, b.

8 Rep. 68, a.

1 Rolle, 434.

Reg. f. 65.

But tho' the Biſhop may not only Certifie an Excommunication *made by himſelf*, but alſo by his *Commiſſary* or *Official*, who doth it in his Right; and by his *Archdeacon*, whoſe Juriſdiction is *derived* from him (in which caſe, the Rule in the Regiſter is, *Quando Epiſcopus ſignificat aliquem eſſe Excommunicatum auctoritate* Archidiaconi *vel* Officialis, *&c. ſemper dicendum eſt in Brevi (Auctoritate illius Epiſcopi, vel illius qui ſic Certificavit:)* Yet may he not Certifie that which hath been done in *another* Court; and therefore a Certificate, that *another* Biſhop hath Certify'd him, or that he hath ſeen a ſentence of Excommunication made by another Biſhop, is of no force. Neither is any *other* Certificate (tho' duly made) of force, if the Biſhop dies before it is received; as my Lord *Coke* affirms in the fore-mentioned Caſe: which ſeems to be contrary to what he lays down in his firſt Inſtitute, *viz. If the Biſhop Certifieth Excommunication under Seal, albeit he* dieth, *yet the Certificate lieth.*

1 Rolle, 434.

1 Inſt. 134, a.

Excommunication, and its Effects.

1 Jac. 1.

CANONS 1603.

lxviii. Entituled, *Miniſters not to refuſe to Chriſten or Bury.*

— And if he ſhall refuſe to Chriſten the one, or Bury the other, except the Party deceaſed were denounced Excommunicated *Majori Excommunicatione*, for ſome grievous and notorious Crime, (and no Man able to teſtifie of his Repentance) he ſhall be ſuſpended by the Biſhop of the Dioceſe from his Miniſtery by the ſpace of three months.

Perſons Excommunicate ſhall not be Chriſten'd, nor Buried, by the Miniſter.

A.D.1661.

13, 14 Car. II.

In the Order for the Burial of the Dead.

Here is to be noted that, the Office enſuing is not to be uſed for any that die — Excommunicate ——

Perſons Excommunicate ſhall not have Chriſtian Burial.

* Qu. whether in 7 *Annæ*?

* 3 Georg. Cap. 19. — 7 Georg. Cap. 20.

In the Acts of General Pardon.

And alſo excepted all Contempts in any Eccleſiaſtical Court, in ſuch Cauſes only that have been commenced for matters of Right, and not for Correction.

Contempts in matters of Correction, not excepted in General Pardons.

CAP. V.

DENOUNCING *of* EXCOMMUNICATES.

A.D.1297.

25 Edw. I. Cap. 4.

Excommunication ſhall be pronounced againſt Breakers of the Charters.

Denouncing of Excommunicates.

AND that all Archbiſhops and Biſhops ſhall pronounce *gg* the ſentence of Excommunication againſt all thoſe that by word, deed, or counſel, do contrary to the aforeſaid Charters, or that in any point break or undo them. And that the ſaid Curſes be twice a year denounced and publiſhed by the Prelates aforeſaid. And if the ſame Prelates or any of them, be remiſs in the denunciation of the ſaid Sentences, the Archbiſhops of Canterbury and York for the time being, ſhall compel and diſtrain them to the Execution of their Duties, in form aforeſaid.

Denouncing of Excommunication, againſt the Breakers of *Magna Charta*, and *de Foreſtâ*, ſhall be punctually obſerved.

gg **The Sentence of Excommunication.**] The Sentences pronounced *ann.* 37 *H.* III. and 25 *Edw.* I. are inſerted at large in the Chapter, Entitled, *Privileges and Immunities of the Church and Clergy by* Magna Charta; which ſee.

Vid. ſuprà, Tit. 1. cap. 1. p. 4.

A.D.1306.

34 Edw. I. (St. 4.) Cap. 6.

The Curſe of the Church ſhall be pronounced againſt the Breakers of the Charter.

† Relating to *Civil* Liberties.

AND for the more aſſurance of this thing, we will and grant, that all Archbiſhops and Biſhops for ever, ſhall read this † preſent Charter in their Cathedral Churches twice in the year; and upon the reading thereof in every of the Pariſh Churches ſhall openly denounce accurſed all thoſe that willingly do procure to be done any thing contrary to the tenour, force and effect of this preſent Charter, in any point and article.

The Curſe of the Church ſhall be denounced, twice a year, againſt the Breakers of the Charter, 34 *E.* 2.

A.D. 1340.

14 Edw. III. Cap. 21.

—*The Concluſion of the Statute made at* Weſtminſter.

The Prelates promiſe to give Sentence upon all Offenders againſt Stat. 14 *Edw.* 3.

—And for the more greater Surety, and to give cauſe to all to eſchew to counſel to the contrary of this Ordinance, The Prelates have promiſed to give ſentence upon all them that come againſt *h* **the ſame in any point.**

h **The ſame.**] This Statute, (or, Collection of Statutes) conſiſts of 21 Chapters, and contains many Matters relating to the Eaſe and Benefit of the Subjects.

A.D. 1222. 6 *H.* 3.

STEPHANUS.

Omnes, Eccleſias ſuo Jure malitioſè privantes, omnes pacem Eccleſiæ aut Regni perturbantes, aut Jura Regia injuſtè detinentes, omnes qui falſum Teſtimonium faciunt aut procurant, omnes qui alium iniquè infamant, omnes qui malitioſè Matrimonia per exceptiones oppugnant, omnes qui veros Patronos à Collationibus faciendis impediunt injuſtè, & omnes qui gratiâ lucri, favoris, odii, aut aliter, mandatum Regium contra Excommunicatos exequi contemnunt, Excommunicantur.

Offenders Excommunicated; *viz.* —Violators of the Liberties of the Church, —Diſturbers of the publick Peace, —falſe Witneſſes, and Suborners, *&c.* —Defamers, —Advocates obſtructing lawful Marriages, —Oppoſers of any *Jus Patronatûs,* —Obſtructers of the Writ againſt *Excommunicates.*

Lyndw. Edit. Oxon. p. 345.

AUctoritate Dei Patris Omnipotentis, & Beatæ *Mariæ* Virginis, & omnium Sanctorum, & præſentis Concilii, *hh* Excommunicamus omnes illos, qui *i* Eccleſias malitioſè ſuo Jure privare præſumunt, aut per malitiam libertates earundem infringere vel perturbare contendunt. Item omnes illos Excommunicationis Innodamus Sententiâ, qui pacem & tranquillitatem Domini Regis & Regni injurioſè perturbare præſumunt, & qui Jura Domini Regis injuſtè detinere contendunt. Adjicimus etiam omnes illos ſimili Sententia innodatos, qui ſcienter falſum Teſtimonium perhibent, & perhibere procurant; vel etiam qui tales Teſtes ſcienter producunt vel ſubornant in Cauſa Matrimoniali, ubi ſcilicet agitur *k* contra Matrimonium, vel ubi agitur ad alicujus *l* exhæredationem. Item Excommunicamus omnes illos qui gratiâ lucri, odii, vel favoris, vel aliâ quacunque de cauſa, alicui malitioſè crimen imponunt, unde infamatus ſit apud bonos & graves, ut ſic ſaltem ei Purgatio indicatur, vel alio modo gravetur. Advocatos quoque omnes Excommunicamus, qui in Cauſa Matrimoniali malitioſè exceptiones opponunt, vel opponi procurant, nè Matrimonia vera debitum ſortiantur effectum, vel ut contra juſtitiam proceſſus Cauſæ diutiùs ſuſpendatur. Præterea omnes illos Sententiâ Excommunicationis innodamus, qui vacante Eccleſiâ malitioſè opponunt, vel opponi procurant Patronatûs quæſtionem, ut ſic verum Patronum illius Eccleſiæ, Collatione, ſaltem illa vice, defraudent. Excommunicamus etiam omnes illos qui gratiâ lucri, odii, vel favoris, aut aliter, contemnunt exequi mandatum Domini Regis contra Excommunicatos editum, Claves Eccleſiæ contemnentes.

Vid. ſupr. pag. 1048.

hh Excommunicamus.] *Contra hoc opponitur, quòd pro* futuris *Culpis Sententia Excommunicationis ferri non debet; nec pro præſentibus nec pro præteritis, niſi monitione canonicâ præmiſſâ. Solutio. Illud locum habet in Sententiâ Excommunicationis quæ fertur ab* homine; *iſtud loquitur in Sententiâ Excommunicationis latâ à* Statuto *perpetuo.* Lynd.

i Eccleſias] i. e. *Perſonas Eccleſiaſticas.* Lyndw.

k Contra Matrimonium] *Utputà, in cauſâ Divortii, vel aliàs ubi agitur de fœdere Matrimonii, & tales Teſtes producuntur ad impediendum Matrimonium.* Lyndw.

l Exhæredationem] *Utputà, in cauſâ Baſtardiæ & Illegitimitatis, ut, viz. aliquis cenſeatur Illegitimus, & ſic ab Hæreditate paternâ vel maternâ ſit excluſus.* Lyndw.

A.D. 1279. 7 *Edw.* 1.

JOHANNES PECCHAM.

Cantuarienſis Provinciæ Sacerdotes, omni Dominicâ ſequente immediatè celebrationem Ruralis Capituli, exponant populo Excommunicationis ſententias, hâc Conſtitutione contentas.

Every Prieſt ſhall explain the Sentences of Excommunication, *viz.* 1. For Violating the Rights and Liberties of the Church, 2. For diſturbing the Peace of the King and Realm,

Lyndw. Edit. Oxon. p. 353.

CUM malum, & *infrà.* Præcipimus Provinciæ Sacerdotibus univerſis, ut in omni Dominicâ ſequente immediatè poſt celebrationem Ruralis Capituli, exponant apertè populo ſibi commiſſo Excommunicationis ſententias, quæ ſequuntur. Primò quidem Excommunicantur auctoritate *Oxonienſis* Concilii, à Sanctæ memoriæ *Stephano* Archiepiſcopo *Cantuarienſi* celebrati, omnes qui malitioſè Eccleſias ſuo Jure privare præſumunt, aut per malitiam, aut contra juſtitiam, libertates earum infringere aut perturbare contendunt. Ex quo intelligimus, Excommunicationis vinculo ſubjacere omnes illos, qui Literas impetrant à quacunque Curia Laicali, ad impediendum Proceſſum Eccleſiaſticorum Judicum in cauſis quæ per Sacros Canones ad Forum Eccleſiaſticum pertinere noſcuntur. Item ſecundò, omnes illi qui pacem & tranquillitatem Domini Regis & Regni injurioſè perturbant, ſeu perturbare præſumunt; & qui Jura Domini Regis injuſtè detinere contendunt; ex quo intelligimus Excommunicatos non ſolùm Guerrarum ſuſcitantes errorem, verùm etiam Latrones publicos omnes, pariter & Prædones, ac quoſcunque Regni Juſtitiam temerè impugnantes. Item tertiò, Excommunicantur univerſi qui ſcienter falſam perhibent teſti-

Denouncing of Excommunicates.

teſtimonium, vel perhiberi procurant, vel qui tales Teſtes ſcienter produxerint ad impediendum juſtum Matrimonium, vel ad Exhæredationem alicujus hominis procurandam. Item quartò, Excommunicantur omnes Advocati, qui malitioſè per quaſcunque exceptiones verum Matrimonium impediunt, nè effectum debitum ſortiatur, vel quibuſcunque cauſis, ut contra juſtitiam Proceſſus Eccleſiæ diutiùs ſuſpendatur. Item quintò, Excommunicantur omnes illi qui gratiâ lucri, odii, vel favoris, malitioſè alicui crimen imponunt, unde infamatus ſit apud bonos & graves, ut ſic ei Purgatio indicatur, vel alio modo gravetur. Item ſextò, Excommunicantur omnes illi, qui vacante Eccleſiâ, malitioſè opponunt, vel opponi procurant, quæſtionem de Jure Patronatûs, ut verum Patronum à Collatione illius Eccleſiæ ſaltem impediant illâ vice. Item ſeptimò, Excommunicantur omnes illi, qui malitioſè contemnunt exequi Mandatum Domini Regis *de Excommunicatis capiendis*, vel qui eorum impediunt captionem, vel procurant eorundem injuſtam liberationem, contra Decretum Eccleſiaſticæ Diſciplinæ. Item octavò, Excommunicantur in Concilio bonæ memoriæ *Othoboni*, omnes illi qui pro impedimento pacis, ſeu pro compoſitione litigantium quicquam recipiunt, donec ipſum ſic receptum reſtituerint donatori. Item Excommunicantur per * eundem, qui de Domibus, Maneriis, vel Grangiis, aut Locis Archiepiſcoporum, aut aliarum Eccleſiaſticarum perſonarum, contra ipſorum voluntatem, ſeu Cuſtodum rerum earundem, aliquid auferunt aut conſumunt, aut injurioſè tractant; quâ Sententiâ ligantur, nec abſolvi poſſunt, donec de injuriis ſatisfecerint competenter. ‖ Item Excommunicantur ab eodem, quicunque abſtrahunt violenter Reos, ad Eccleſiam vel Cœmeterium, aut Clauſtrum fugientes, vel qui eis victum neceſſarium prohibent exhibere, vel qui res alienas in locis eiſdem depoſitas violenter aſportant, vel aſportari faciunt, vel qui aſportationem talem factam nomine ſuo, vel à familiaribus ſuis, ratam habuerint, vel qui ad hanc publicè vel occultè conſilium præbuerint vel conſenſum. Item Excommunicati ſunt ab * omnibus Archiepiſcopis & Epiſcopis *Angliæ*, omnes illi qui veniunt aut faciunt contra Magnam Chartam Domini Regis; quæ † Sententia per Sedem Apoſtolicam pluries eſt confirmata & approbata.

† V. ſupr. p. 988.

* V. ſupr. p. 13.

‖ V in Tit. *Sanctuary.*

* V. ſupr. p. 1.

† Al. *omittunt* Sententia.

3. For bearing falſe Witneſs in caſe of Matrimony and Inheritance,

4. For obſtructing Marriages duly made,

5. For Defamation,

6. For oppoſing a Jure *Patronatûs*,

7. For neglecting or hindring the Writ againſt Excommunicates,

8. For taking Money, in caſes of Arbitration,

9. For taking away, or damaging the Goods of Clergy-men,

10. For volating of Sanctuaries,

11. For breaking of *Magna Charta*.

A.D. 1279. 7 *Edw.* 1.

JOHANNES PECCHAM.

Majores Excommunicationes quatuor Dominicis hîc annotatis promulgentur.

Lyndw. Edit. Oxon. p. 355.

PRæcipimus, quòd Sententiæ majoris Excommunicationis promulgentur in Eccleſiis quater in anno, videlicet die Dominicâ proximâ poſt Feſtum Sancti *Michaelis*, & die Dominicâ in medio Quadrageſimæ, & in Feſto Sanctæ Trinitatis, & in die Dominicâ proximâ poſt Feſtum Sancti *Petri* ad vincula, ‖ Candelis accenſis, & pulſatis Campanis, cum Cruce, & aliis Solennitatibus, prout decet.

The Sentence of the greater Excommunication, ſhall be Solemnly promulged four times a year.

‖ Candelis accenſis, &c.] *Sub hâc formâ Sententias Excommunicationum promulgari ideò mandatur, ut major Auditoribus incutiatur Timor.* Lyndw.

A.D. 1342. 16 *Edw.* 3.

JOHANNES STRATFORD.

Omnes pacis Eccleſiæ aut Regni Malefactores, Perturbatores, Violatores, Felones, & eorum Manutentores, Conſpiratores, Perjuri in Aſſiſis & Juratis, coram Juſtitiariis Domini Regis ſcienter pejerantes, falſarum querelarum Aſſumptores, Manutentores, aut Fautores, in ſingulis Cathedralibus, Collegiatis, & Parochianis Eccleſiis, primâ Dominicâ Quadrageſimæ, & in Feſto Corporis Chriſti, aliiſque Solennitatibus, nuncientur publicè Excommunicati, cum intimatione Abſolutionis reſervatæ.

Lyndw. Edit. Oxon. p. 354.

SUperno Dei munere informatus Illuſtris Rex *Anglorum* [m] *Edwardus*, pacem Eccleſiæ & Regni cupiens firmiter obſervari, Nos & cæteros Coëpiſcopos dicti Regni olim Literis ſuis rogavit, ut † communes Malefactores, & pacis Sanctæ Eccleſiæ atque ſuæ Perturbatores & Violatores, Felones, nec non Felonum Manutentores, Conſpiratores, Falſos Juratores in [n] Aſſiſis & [o] Juratis, coram Juſtitiariis Domini Regis ſcienter dejerantes, falſarum querelarum Aſſumptores, Manutentores, & Fautores eorum, per quos perturbationem pacis & violationem libertatis ac Juris Eccleſiæ atque Regni in ipſo Regno non ambigitur procurari, in ſingulis Diœceſibus Eccleſiaſticâ compeſcerentur cenſurâ; ipſos deſiderans pro ſuis gravibus in his exceſſibus majoris Excommunicationis Sententiâ innodari, ſeu Excommunicatos publicè nunciari. Unde Nos, piæ mentis dicti Regis * invitatione laudabili excitati, audaciam hujuſmodi perfidorum compeſcere cupientes, omnes Malefactores prædictos taliter in poſterum in noſtra *Cantuarienſi* Provincia delinquentes ſcienter, præſentis auctoritate Concilii, majoris Excommunicationis Sententiam Volumus & Pronunciamus incurrere ipſo facto. Quorum Abſolutionem locorum Ordinariis, ſeu, Sedibus Eccleſiarum Cathedralium vacantibus, his qui Juriſdictionem Epiſcopalem exercebunt ibidem, præterquam in mortis articulo, reſervamus. Cæterùm ut hujuſmodi delinquentium

† M. S. *Omnes.*

* Al. *Imitatione.*

The King having Requeſted, that notorious Offenders, and Diſturbers of the Peace of the Church and State, might be Excommunicated,

— they ſhall, accordingly be Excommunicate *ipſo facto*,

— not to be abſolved but by the Biſhop, at the point of Death,

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[m] Edwardus] *Poſt Conqueſtum Tertius.* Lyndw.

[n] Aſſiſis] *i. e. Judiciis Poſſeſſoriis.* Lyndw.

[o] Juratis] *ſcil. Inquiſitionibus, in quibus duodena eſt Jurata.* Lyndw.

—and to be publickly denounced twice a year.

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facinora eò ampliùs evitentur, quo ipſi delinquentes Excommunicati ſolenniùs fuerint nunciati, hoc Provinciali Concilio approbante, Præcipimus, quòd omnes & ſinguli Malefactores prædicti in ſingulis Cathedralibus, Collegiatis, & Parochialibus Eccleſiis noſtræ *Cantuarienſis* Provinciæ antedictæ, primâ Dominicâ Quadrageſimæ, ac in Feſto Corporis Chriſti, aliiſque duobus diebus Feſtivis & Solennibus, annuatim Excommunicati publicè nuncientur *p* in genere, cum intimatione reſervationis Abſolutionis prædictæ.

p In genere] *i. e. Abſq; expreſſione Nominum vel Perſonarum.* Lyndw.

CANONS 1603.

1 Jac. 1.

lxv. *Miniſters ſolemnly to denounce Recuſants and Excommunicates.*

Perſons Excommunicate, and not abſolved in three months, ſhall be denounced every ſix months after;

ALL Ordinaries ſhall in their ſeveral Juriſdictions carefully ſee and give Order, that as well thoſe who for obſtinate refuſing to frequent Divine Service eſtabliſhed by publick Authority within this Realm of *England*, as thoſe alſo (eſpecially of the better ſort and condition) who for notorious Contumacy or other notable Crimes ſtand lawfully Excommunicate, (unleſs within three months immediately after the ſaid Sentence of Excommunication pronounced againſt them, they reform themſelves, and obtain the Benefit of Abſolution) be every ſix months enſuing, as well in the Pariſh-Church, as in the Cathedral Church of the Dioceſs, in which they remain, by the Miniſter openly in time of Divine Service, upon ſome Sunday, denounced and declared Excommunicate, that others may be thereby both admoniſhed to refrain their Company and Society, and excited the rather to procure out a Writ *De Excommunicato capiendo*, thereby to bring and reduce them into due order and obedience. Likewiſe the Regiſter of every Eccleſiaſtical Court, ſhall yearly between *Michaelmaſs* and *Chriſtmaſs*, duly certify the Archbiſhop of the Province of all and ſingular the Premiſſes aforeſaid.

—and every Regiſter ſhall Certifie the Archbiſhop, of the premiſſes.

CAP. VI.

The Writ de Excommunicato Capiendo.

BONIFACIUS.

A.D. 1261. 45 *H.* 3.

In Conſt. *Præterea*, Sub Tit. *De Sententia Excommunicationis.*

Lyndw. Edit. Oxon. p. 351.

If the King deny the accuſtomed Writ *de Excommunicato Capiendo*,

—— SI autem contingat quòd Litera conſueta de Excommunicato Capiendo *q* denegetur, cùm ipſam requiri contingat (in quo caſu *qq* dari debet ſecundum Regni Conſuetudinem approbatam,) Moneatur idem Dominus Rex per Prælatum *r* præſentantem capiendum, qui ſuper hoc ſcribit, ut eam concedat, & faciat pertranſire. Quod ſi non fecerit, Civitates, Caſtra, Burgi, & Villæ, quas in Diœceſi ejus qui ſic ſcribit, obtinet, per Epiſcopum ipſum ſcribentem ſupponantur Eccleſiaſtico Interdicto, donec negatæ Literæ tales concedantur, & Executionem legitimam ſortiantur. ——

-- his Cities, Caſtles, &c. in that Dioceſs, ſhall be put under an Interdict.

q Denegetur] *Per Regem, vel ejus Cancellarium.* Lynd.

qq Dari debet] *Hoc fieri debet, quoties & quando Prælatus Eccleſiaſticus habens ad hoc Poteſtatem ſive Auctoritatem, ſcribit Domino Regi pro Excommunicato Capiendo; nec tenetur Prælatus facere fidem de Proceſſu ſuo.* —— *Judex Sæcularis, invocato Brachio Sæculari per Judicem Eccleſiaſticum, tenetur ex debito ſuum auxilium impendere.* Lyndw.

r Præſentantem] *i. e. Significantem Regi de Animo obdurato, & perſeverantiâ ipſius Excommunicati.* Lyndw.

3 Edw. I. Cap. 15.

A.D. 1275.

In an Act, Entituled, *Which Priſoners be Mainpernable, and which not.*

Perſons taken upon the Writ *de Excommunicato Capiendo*, may not be Replevied.

—— **It is provided, and by the King's Command, that — Perſons Excommunicate, taken at the Requeſt of the Biſhop, — ſhall be in no wiſe Repleviſable, by the Common Writ, nor without Writ.**

A.D.1315.

9 Edw. II. Cap. 12.

A Clerk Excommunicate may be taken out of the Pariſh where he dwelleth.

Perſons of the King's tenure, being Excommunicate, may be cited out of the place where they dwell.

ALSO, if any *s* of the Kings tenure be called before their Ordinaries out of the Pariſh where they continue; If they be Excommunicate for their manifeſt contumacy, and after forty days *t* a Writ goeth out to take them, and they pretend their privilege that they ought not to be Cited out of the Town and Pariſh where their dwelling is, and ſo the King's Writ that went out for to take them is denyed. The Anſwer. It was never yet denyed, nor ſhall be hereafter.

s **Of the King's Tenure.**] This is explain'd by the Seventh Article of the Council of *Clarendon*, *Nullus qui de Rege tenet* in Capite, *nec aliquis Dominicorum Miniſtrorum ejus*, Excommunicetur, *nec alicujus eorum terræ ſub* Interdicto *ponantur, niſi priùs Dominus Rex, ſi in Regno fuerit, conveniatur, vel Juſticiarius ejus, ſi fuerit extra Regnum; ut Rectum de eo faciat, & ita, ut quod pertinebit ad Regis Curiam, ibi terminetur; & quod ſpectat ad Curiam Eccleſiaſticam, ad eandem mittatur, ut ibidem terminetur.* "And "the reaſon of this Law (ſaith my Lord *Coke)* was, for "that the Tenures by *Grand Serjeantie*, and *Knight's Ser-"vice in Capite*, were for the Honour and Defence of the "Realm: And concerning thoſe that ſerved the King in "his *Houſhold*, their continual Service and Attendance up-"on the Royal Perſon of the King, was neceſſary.

2 Inſt. 631.

t **A Writ.**] *viz.* The Writ *de excommunicato capiendo*, commonly call'd a *Significavit*, from the *beginning* of the Writ; which is as follows:

Regiſtr. f. 65, a.

† That none can Certify but a *Biſhop*, or one exerciſing *Epiſcopal* Authority, See before, Tit. XLVI. c. 4.

"REX Vicecomiti Lincoln' Salutem. Significavit "nobis venerabilis pater H. Lincoln' † Epiſcopus "per literas ſuas patentes, quòd B. ſuus parochianus vel "ſuæ dioc', propter ſuam manifeſtam contumaciam autho-"ritate ipſius Epiſcopi ordinariâ excommunicatus eſt, nec "ſe vult per cenſuram eccleſiaſticam juſticiari. Quia verò "poteſtas regia ſacroſanctæ eccleſiæ in querelis ſuis deeſſe "non debet, tibi præcipimus quod prædictum B. per cor-"pus ſuum ſecundùm conſuetudinem Angliæ juſticies, do-"nec ſanctæ eccleſiæ, tam de contemptu quàm de injuria "ei illata, ab eo fuerit ſatisfactum. T. &c.

Alias.

If no Return is made to this, then another Writ iſſues, call'd *Aliàs*, referring to the former Writ *(Tibi præcipimus, ſicut* Aliàs *tibi præcepimus,)* and requiring the Sheriff either to obey, or ſhow Cauſe why he does not, (*quod prædictum* J. *per corpus ſuum*, &c. *vel cauſam nobis ſignifices, quare*, &c.)

Pluries.

If no Return is made to this, then there iſſues another, call'd a *Pluries*, of the following Form:

Regiſtr. f. 65, a.

"REX Vice-Comiti Lincoln' Salutem. Cum nuper "ad denunciationem venerabilis patris H. Lincoln' "epiſcopi, per literas ſuas patentes nobis ſignificantis, quòd "A. & B. executores teſtamenti R. ac W. & F. parochiani "ſui vel ſuæ dioc' authoritate ipſius epiſc' ordinariâ, prop-"ter manifeſtam contumaciam ſuam ſunt excommunicati, "nec ſe volunt per cenſuram eccleſiaſticam juſticiari, tibi "pluriès præceperimus quod prædictos A. B. W. & F. per "corpora ſua ſecundùm conſuetudinem Angl' juſticiares, "donec ſanctæ eccleſiæ tam de contemptu quàm de injuria, "&c. eſſet ſatisfactum, vel cauſam nobis ſignificares quare "mandatum noſtrum aliàs tibi inde directum exequi noluiſ-"ti vel non potuiſti, ac tu ſpretis mandatis noſtris prædictis "ut accepimus, præfatos A. B. W. & F. per corpora ſua "ſecundùm conſuetudinem Angliæ juſticiare, vel ſaltem "cauſam, quare id facere noluiſti vel non potuiſti, nobis "ſignificare hactenus non curaveris, in noſtri ac mandato-"rum noſtrorum prædictorum contemptum manifeſtum, & "præfati epiſcopi damnum non modicum & gravamen, ac "juris ſuæ eccleſiæ prædictæ læſionem manifeſtam, ſicut ex "querela ſua accepimus, de quo miramur quamplurimùm "& movemur: tibi adhuc præcipimus firmiter injungen-"tes, quòd prædictos A. B. W. & F. per corpora ſua ſe-"cundùm conſuetudinem Angl' juſticies, donec ſanctæ ec-"cleſiæ, &c. ſit ſatisfactum, juxta tenorem mandatorum "noſtrorum prædictorum, vel tu ipſe ſis coram nobis tali "die ubicunq; &c. oſtenſurus quare mandata noſtra prædic-"ta toties tibi inde directa exequi contempſiſti. T. &c.

Coſ. Apol. p. 8.

It is ſaid by Dr. *Coſens* concerning the Writ *de excommunicato capiendo*, That it is a Liberty (or Privilege) Peculiar to the Church of *England, above all the Realms in Chriſtendom*, that he had read of. For tho' the Aſſiſtance of the *Secular Arm* hath ever been afforded to the Church in moſt *other* Chriſtian Countries, as well as this; yet in no Inſtance is it perhaps ſo *ſurely* and ſo effectually reach'd out, as in the Execution of this Writ, which is *debitum Juſtitiæ*, and not made to depend upon the *pleaſure* of the Prince: For tho' in one place it is ſaid by the King, *Cùm hujuſmodi Breve noſtrum de* gratiâ *noſtrâ procedat*; yet (as the ſaid Learned Writer hath obſerved) a Note in the ſame Book upon the ſame Words teacheth us, that ſuch Clauſe is only uſed *pro honore Regis, etiamſi ad id de* jure *teneatur*; and it is expreſly ſaid in the foreſaid Writ, and in divers others, to iſſue *ſecundùm Conſuetudinem Angliæ*, or, in other Words, according to the Common-Law of the Realm.

Regiſtr. 68. a.

A.D.1562.

5 Eliz. Cap. 23.

An Act for the due Execution of the Writ de Excommunicato capiendo.

Offenders eſcape by the undue execution of the Writ *de Excommunicato capiendo*,

—as not being returnable to any proper Court,

—but left to the diſcretion of Sheriffs.

FORASMUCH as divers perſons offending in many great Crimes and Offences appertaining meerly to the juriſdiction and determination of the Eccleſiaſtical Courts and Judges of this Realm, are many times unpuniſhed, for lack and want of the good and due execution of the Writ de Excommunicato capiendo, directed to the Sheriff of any County, for the taking and apprehending of any ſuch Offenders: The great abuſe whereof, as it ſhould ſeem, hath grown, for that the ſaid Writ is not returnable in any Court that might have the Judgment of the well executing and ſerving of the ſaid Writ, according to the contents thereof; But hitherto hath been left only to the diſcretion of the Sheriffs and their Deputies, by whoſe negligence and defaults, for the moſt part, the ſaid Writ is not executed upon the Offenders as it ought to be: By reaſon whereof, ſuch Offenders be greatly encouraged to continue their ſinful and criminous Life, much to the diſpleaſure of Al-

The Writ de Excommunicato Capiendo.

mighty God, and to the great contempt of the Eccleſiaſtical Laws of this Realm:

Enacted, that, — Every ſuch Writ ſhall be made in Term time, and returnable in the King's Bench, the next Term,

— there being 20 days, between the *Teſte* and *Return*.

Any Sheriff not making due return of the Writ,

— may be amerced according to the diſcretion of the Juſtices.

II. Wherefore, for the redreſs thereof, be it enacted by the Queens moſt excellent Majeſty, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That from and after the firſt day of May next coming, every Writ of Excommunicato capiendo that ſhall be granted and awarded out of the high Court of Chancery, againſt any perſon or perſons within the Realm of England, ſhall be made in the time of the Term, and returnable before the Queens Highneſs, her Heirs and Succeſſors, in the Court commonly called the [rr] Kings Bench in the Term next after the Teſte of the ſame Writ; and the ſame Writ ſhall be made to contain at the leaſt twenty days between the Teſte and the return thereof: And after the ſame Writ ſhall be ſo made and ſealed, that then the ſaid Writ ſhall be forthwith [s] brought into the ſaid Court of the Kings Bench, and there in the preſence of the Juſtices, ſhall be opened and delivered of Record to the Sheriff or other Officer to whom the ſerving and executing thereof ſhall appertain, or to his or their Deputy or Deputies: And if afterwards it ſhall or may appear to the Juſtices of the ſame Court for the time being, that the ſame Writ ſo delivered of Record, be not duly returned before them at the day of the return thereof, or that any other default or negligence hath been uſed or had in the not well ſerving and executing of the ſaid Writ; that then the Juſtices of the ſaid Court ſhall and may by authority of this Act, aſſeſs ſuch amerciament upon the ſaid Sheriff or other Officer in whom ſuch default ſhall appear, as to the diſcretion of the ſaid Juſtices ſhall be thought meet and convenient; which amerciament ſo aſſeſſed ſhall be eſtreated in the Court of Exchequer, as other amerciaments have been uſed.

The Sheriff ſhall not be compelled to bring the Body, but only the Writ and Proceſs.

III. And be it further enacted by the authority aforeſaid, That the Sheriff or other Officer to whom ſuch Writ of Excommunicato capiendo, or other Proceſs by virtue of this Act ſhall be directed, ſhall not in any wiſe be compelled to bring the Body of ſuch perſon or perſons as ſhall be named in the ſaid Writ of Proceſs, into the ſaid Court of the Kings Bench at the day of the return thereof, but ſhall only return the ſame Writ and Proceſs thither, with Declaration briefly how and in what manner he hath ſerved and executed the ſame; to the intent that thereupon the ſaid Juſtices may then further therein proceed, according to the tenor and effect of this preſent Act.

A Perſon Excommunicate, not being found, — a *Capias* ſhall be awarded,

— and Proclamation made, that he yield his Body to the Sheriff,

— and the Writ of *Capias* return'd.

IV. And if the ſaid Sheriff or other Officer to whom the execution of the ſaid Writ ſhall ſo appertain, do or ſhall return, that the party or parties named in the ſaid Writ cannot be found within his Bailiwick; that then the ſaid Juſtices of the Kings Bench for the time being, upon every ſuch return, ſhall award one Writ of [t] Capias, againſt the ſaid perſon or perſons named in the ſaid Writ of Excommunicato Capiendo, returnable in the ſame Court in the Term time, two months at leaſt next after the Teſte thereof; with a Proclamation to be contained within the ſaid Writ of Capias, that the Sheriff or other Officers to whom the ſaid Writ ſhall be directed, in the full County Court, or elſe at the general Aſſizes and Gaol-delivery to be holden within the ſaid County, or at a quarter Seſſions to be holden before the Juſtices of the Peace within the ſaid County, ſhall make open Proclamation ten days at the leaſt before the return, that the party or parties named in the ſaid Writ, ſhall within ſix days next after ſuch Proclamation, yield his or their body or bodies to the priſon of the ſaid Sheriff or other ſuch Officer, there to remain as a priſoner, according to the tenor and effect of the firſt Writ of Excommunicato Capiendo, upon pain of forfeiture of ten pounds: And thereupon after ſuch Proclamation had, and the ſaid ſix days paſt and expired, then the ſaid Sheriff or other Officer to whom ſuch Writ of Capias ſhall be directed, ſhall make return of the ſame Writ of Capias into the ſaid Court of the Kings Bench, of all that he hath done in the execution thereof, and whether the party named in the ſaid Writ hath yielded his body to priſon or not.

Any Perſon not yielding himſelf ſhall forfeit 10 *l*.

V. And if upon the return of the ſaid Sheriff, it ſhall appear, that the party or parties named in the ſame Writ of Capias or any of them, have not yielded their bodies to the Gaol and Priſon of the ſaid Sheriff or other Officer, according to the effect of the ſame Proclamation; that then every ſuch perſon that ſo ſhall make default, ſhall for every ſuch default forfeit to the Queens Highneſs, her Heirs and

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Farreſly, p. 57, 58.

[rr] **King's Bench.**] It was declared in the Biſhop of S. *David*'s Caſe, 1 *Annæ*, That, before this Statute, the Writ was returnable into *Chancery*; and there the *Significavit* was quaſhed, if undue: but now, the Judgment of that, by this Statute, is devolved to the Court of King's Bench.

2 Cro. 567. 3 Cro. 583. Siderf. 165, 285.

[s] **Brought into the ſaid Court.**] It hath been often adjudged, that this *Form* of taking out the Writ, and the ſeveral Steps therein (as contain'd in this Clauſe of the Act) ought to be *preciſely* purſued; and for default thereof, many Perſons have been *diſcharged*.

[t] **Capias.**] The Penalties of this Act belonging to none, but who are Excommunicated for ſome of the Cauſes ſpecify'd in *Sect.* 13. the *Capias*, accordingly, muſt not be *with Penalty*, in any *other* Caſe: or, if it iſſue ſo by miſtake, the Court grants a *Superſedeas* upon motion; and, if the Party be taken, will, upon Pleading (after the *Habeas Corpus* is granted and returned, and ſo the Matter is Judicially before them) diſcharge him from the Penalties, tho' not from the Impriſonment: In conſideration of which Pleading, and the Trouble and Charge that attends it, it is ſaid that he may have an Attachment againſt the Plaintiff.

Latch. 174. Siderf. 181.

1 Rolle, 174.

Suc-

Succeſſors, ten pounds, which ſhall likewiſe be eſtreated by the ſaid Juſtices into the ſaid Court of Exchequer, in ſuch manner and form as fines and amerciaments there taxed and aſſeſſed, are uſed to be.

—and another *Capias* ſhall be awarded, with a pain of 20 *l.*

VI. And thereupon the ſaid Juſtices of the King's Bench ſhall alſo award forth one other Writ of Capias, againſt the ſaid perſon or perſons that ſo ſhall be returned to have made default, with ſuch like Proclamation as was contained in the firſt Capias, and a pain of twenty pounds, to be mentioned in the ſaid ſecond Writ and Proclamation: And the Sheriff or other Officer to whom the ſecond Writ of Capias ſhall be ſo directed, ſhall ſerve and execute the ſaid Writ, in ſuch like manner and form, as before is expreſſed for the ſerving and executing of the firſt ſaid Writ of Capias. And if the Sheriff or other Officer ſhall return upon the ſaid ſecond Capias, that he hath made the Proclamation according to the tenor and effect of the ſame Writ, and that the party hath not yielded his body to priſon, according to the tenor of the ſaid Proclamation; that then the ſaid party that ſo ſhall make default, ſhall for ſuch his contempt and default, forfeit to the Queens Highneſs, her Heirs and Succeſſors, the ſum of twenty pounds: which ſaid ſum of twenty pounds, the ſaid Juſtices of the Kings Bench for the time being ſhall likewiſe cauſe to be eſtreated into the ſaid Court of Exchequer, in manner and form aforeſaid.

—which ſhall be paid, upon Return made, that the Body is not yielded;

—and a third *Capias* ſhall be awarded, upon the like pain,

VII. And then the ſaid Juſtices ſhall likewiſe award forth one other Writ of Capias againſt the ſaid party, with ſuch like Proclamation and pain of forfeiture, as was contained in the ſaid ſecond Writ of Capias: and the Sheriff or other Officer to whom the ſaid third Writ of Capias ſhall be ſo directed, ſhall ſerve and execute the ſaid third Writ of Capias, in ſuch like manner and form as before in this Act is expreſſed and declared, for the ſerving and executing the ſaid firſt and ſecond Writs of Capias. And if the Sheriff or other Officer to whom the execution of the ſaid third Writ ſhall appertain, do make return of the ſaid third Writ of Capias, that the party upon ſuch Proclamation hath not yielded his Body to priſon, according to the tenor thereof; that then every ſuch party for every ſuch contempt and default, ſhall likewiſe forfeit to the Queens Majeſty, her Heirs and Succeſſors, other xx l. which ſum of xx. li. ſhall likewiſe be eſtreated into the ſaid Court of Exchequer, in manner and form aforeſaid: and thereupon the ſaid Juſtices of the King's Bench ſhall likewiſe award forth one Writ of Capias againſt the ſaid party, with like Proclamation, and like pain of forfeiture of xx. li. And that alſo the ſaid Juſtices ſhall have authority by this Act, infinitely to award ſuch Proceſs of Capias, with ſuch like Proclamation, and pain of forfeiture of xx. li. as is before limited, againſt the ſaid party that ſo ſhall make default in yielding of his Body to the priſon of the Sheriff, until ſuch time as by return of ſome of the ſaid Writs before the ſaid Juſtices, it ſhall and may appear, that the ſaid party hath yielded himſelf to the cuſtody of the ſaid Sheriff or other Officer, according to the tenor of the ſaid Proclamation, and that the party upon every default and contempt by him made againſt the Proclamation of any of the ſaid Writs ſo infinitely to be awarded againſt him, ſhall incur like pain and forfeiture of xx. li. which ſhall likewiſe be eſtreated in manner and form aforeſaid.

—and ſo a fourth, and *in infinitum*, till return be made, that the Body is yielded.

The Perſon, ſo yielding his Body upon a *Capias*, ſhall remain in Priſon;

VIII. And be it further enacted by the authority aforeſaid, That when any ſuch perſon or perſons ſhall yield his or their body or bodies to the hands of the Sheriff or other Officer, upon any of the ſaid Writs of Capias, that then the ſaid party or parties that ſhall ſo yield themſelves ſhall remain in the priſon and cuſtody of the ſaid Sheriff or other Officer, without *u* bail, baſton or mainpriſe, in ſuch like manner and form, to all intents and purpoſes, as he or they ſhould or ought to have done, if he or they had been apprehended and taken upon the ſaid Writ of Excommunicato capiendo.

—and the Sheriff making an undue Return, that the Body was not yielded, when it really was,

—ſhall forfeit 40 *l.*

IX. And be it further enacted by the authority aforeſaid, That if any Sheriff or other Officer by whom the ſaid Writ of Capias, or any of them, ſhall be returned, as is aforeſaid, do make an untrue return upon any the ſaid Writs, that the party named in the ſaid Writ hath not yielded his Body upon the ſaid Proclamations, or any of them, where indeed the party did yield himſelf according to the effect of the ſame, That then every ſuch Sheriff or other Officer, for every ſuch falſe and untrue return, ſhall forfeit to the party grieved and damnified by the ſaid return, the ſum of forty pounds for the which ſum of forty pounds, the ſaid party grieved ſhall have his recovery and due remedy by action of Debt, Bill, Plaint or Information, in any of the Queens Courts of Record; in which Action, Bill, Plaint or Information, no eſſoin, protection or wager of Law ſhall be admitted or allowed for the party defendant.

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1 Bulſtr. 122.

u **Bail.**] In the 9*th* of *James* I. Motion was made for the Bailing of one who was taken by force of a *Capias* upon this Statute; and it was ſaid, That neither the Sheriff, nor any Juſtice of the Peace in the County, can Bail ſuch an one, but that it may be well done by the Court of *King's Bench*: Whereupon, all the Judges agreed, that he was Bailable; except *Williams*, who held, that the Statute diſpenſeth *only* with the Penalty of 10 *l.*

Where the Queen's Writs run not, the *Significavit* ſhall be ſent to the Head Officer,

XI. Provided always, That in Wales, the Counties Palatines of Lancaſter, Cheſter, Durham and Ely, and in the Cinque-ports, being juriſdictions and places exempt, where the Queens Majeſties Writ doth not run, and Proceſs of Capias from thence not returnable into the ſaid Court of Kings Bench, after any Significavit being of Record in the ſaid Court of Chancery, the tenor of ſuch ſignificavit by Mittimus ſhall be ſent to ſuch of the head Officers of the ſaid Country of Wales, Counties Palatines, and places exempt, within whoſe Offices, charge or juriſdiction, the Offenders ſhall be reſiant; that is to ſay, the Chancellor or Chamberlain for the ſaid County Palatine of Lancaſter and Cheſter, and for the Cinque-ports, to the Lord Warden of the ſame, and for Wales and Ely, and the County Palatine of Durham, to the chief Juſtice or Juſtices there: And thereupon every of the ſaid Juſtices and Officers to whom ſuch tenor of Significavit with Mittimus ſhall be directed and delivered, ſhall, by virtue of this Eſtatute have power and authority to make like Proceſs to the inferior Officer and Officers to whom the execution of Proceſs there doth appertain, returnable before the Juſtices there, at their next Seſſion or Courts, two months at the leaſt after the Teſte of every ſuch Proceſs: So always as in every degree they ſhall proceed in their Seſſions and Courts, againſt the Offenders, as the Juſtices of the ſaid Court of Kings Bench are limited by the tenor of this Act, in Term times to do and execute.

—to make Proceſs, in like manner, as the Juſtices of the King's Bench.

Proviſo, for Perſons in Priſon, beyond Sea, within age, of *non ſanæ memoriæ*, and Feme-Covert.

XII. Provided alſo, and be it enacted, That any perſon at the time of any Proceſs of Capias, aforementioned, awarded, being in priſon, or out of this Realm in the parts beyond the Sea, or within age, or of non ſanæ memoriæ, or women covert, ſhall not incur any of the pains or forfeitures aforementioned, which ſhall grow by any return or default happened, during ſuch time of nonage, impriſonment, being beyond the Sea, or non ſanæ memoriæ; And that by vertue of this Eſtatute, the party grieved may plead every ſuch cauſe or matter in bar of and upon the diſtreſs or other proceſs that ſhall be made for levying of any of the ſaid pains or forfeitures.

Writ de *Excommunicato Capiendo* wanting a ſufficient addition,

—or the *Significavit*, not containing the proper Cauſe,

XIII. And that if the offender againſt whom any ſuch Writ of Excommunicato Capiendo ſhall be awarded, ſhall not in the Writ of Excommunicato Capiendo have a ſufficient and lawful addition, according to the form of the *w* Eſtatute of Primo of Henry the fifth, in caſes of certain ſuits, whereupon proceſs or exigent are to be awarded: Or if *ww* in the Significavit it be not contained, that the excommunication doth proceed upon ſome cauſe or attempt of ſome original matter of hereſie, or refuſing to have his or their child baptized, or to receive the holy Communion as it is now commonly uſed to be received in the Church of England, or to come to Divine Service, now commonly uſed in the ſaid Church of England, or Error in matters of Religion or Doctrine now received and allowed in the ſaid Church of England, incontinency, uſury, ſimony, perjury in the Eccleſiaſtical Court, or Idolatry: That then all and every *x* pains and forfeitures limited againſt ſuch perſons excommunicate by the Eſtatute by reaſon of the Writ Excommunicato Capiendo, wanting ſufficient addition, or of ſuch *xx* Significavit wanting all the cauſes afore mentioned,

—both ſhall be void.

w Statute 1 *H. 5.*] Which Statute is as follows:

Item, It is ordained and ſtabliſhed, that in every original Writ of Actions Perſonal, Appeals and Indictments, in which the Exigend ſhall be awarded in the Names of the Defendants, in ſuch original Writs, Appeals and Indictments, additions ſhall be made of their Eſtate, or Degree, or Myſtery, and the Towns, Hamlets, or Places, and the Counties where they were or be converſant. And if by Proceſs upon the ſaid original Writs, Appeals or Indictments, in the which the ſaid Additions be omitted, any Outlawries be pronounced, that they be clearly void and holden for none. And that afore theſe Outlawries pronounced, the ſaid Writs and Indictments ſhall be abated by the exception of the Party, whereas in the ſame the ſaid Additions be omitted: Provided always, That tho' the ſaid Writs of Additions Perſonals be not according to the Records and Deeds by the ſurpluſage of the Additions aforeſaid, that for this cauſe they be not abated: And that the Clerks of the Chancery under whoſe Names ſuch Writs ſhall go forth written, ſhall not leave out or make omiſſion of the ſaid Additions as aforeſaid, upon pain to be puniſhed, and to make a Fine to the King by the diſcretion of the Chancellor. And the Ordinance ſhall begin to hold place at the Suit of the Party, from the Feaſt of Saint Michael next enſuing forward.

ww In the Significavit.] The Judgment of this, which was before in *Chancery*, is now in the Court of King's Bench, in conſequence of the Writ's being returnable to that Court; by reaſon of which, the Chancery cannot judge what the Cauſe of Excommunication is. Farreſley, p. 57, 58.

x Pains and Forfeitures.] This *S*tatute doth not take away or affect the *Excommunicato Capiendo* at *Common* Law; but, in the particular Caſes mentioned in this Clauſe, gives a greater Penalty to *Enforce* it. And therefore the Writ doth not only iſſue upon Excommunications in many *other* Caſes, but (as hath been often adjudg'd,) tho' a *Capias* with Proclamations and Penalties go forth, in a Matter *not* within this Statute, and the Perſon is thereupon Impriſoned, and prays to be diſcharged, becauſe the Matter for which he was Excommunicated (tho' of a Spiritual Nature) is not within this Statute; yet nothing ſhall be *diſcharged* but the Penalties; and (without any new Writ obtain'd) the Excommunication and Impriſonment may remain, as at Common-Law, and not be diſcharged but by Abſolution in due Form. 1 Siderf. 181. 3 Cro. 197, 199. 1 Rolle, 175. Jones (W.) 226. Larch, 204. Jones (T.) 89. Show. 17.

xx Significavit wanting.] In the Caſe of the King verſus *Sneller*, upon a motion for a *Superſedeas* to the Writ, by reaſon 1 Vernon, v. 11

The Writ de Excommunicato Capiendo.

ſhall be utterly void in Law, and by way of plea to be allowed to the party grieved.

If the addition ſhall be with a *Nuper*, Proclamation ſhall be awarded into the County, where the Offender dwells;

XIV. And if the addition ſhall be with a nuper of the place; Then in every ſuch caſe, at the awarding of the firſt Capias with Proclamation according to the form mentioned, one Writ of Proclamation (without any pain expreſſed) ſhall be awarded into the County where the offender ſhall be moſt commonly reſiant at the time of the awarding of the ſaid firſt Capias with pain, in the ſame Writ of Proclamation, to be returnable the day of the return of the ſaid firſt Capias with pain, and Proclamation thereupon, at ſome one ſuch time and Court, as is preſcribed for the Proclamation upon the ſaid firſt Capias, with pain. And if ſuch Proclamation be not made in the County where the Offender ſhall be moſt commonly reſiant in ſuch caſes of additions of nuper; That then ſuch offender ſhall ſuſtain no pain or forfeiture by vertue of this Eſtatute, for not yielding his or her Body, according to the tenour aforementioned: Any thing before ſpecified and to the contrary hereof, in any wiſe notwithſtanding.

—and not being made, no Pain ſhall be incurred.

reaſon that the *Significavit* was general and uncertain; it was ſaid by my Lord Chancellor, that a *Superſedeas* could not be granted upon that ground. But if the Excommunication were not for any of the Offences within the Stat. 5 *Eliz.* and the *Significavit* did not expreſs the ſame, the remedy expreſly appointed by that Statute, is a *Habeas corpus*; and upon the Return of it, the Parties ſhalll be diſcharg'd. But it being then alledg'd, that an Appeal was brought, and Security given to proſecute it with effect, a *Superſedeas* was awarded, the Lord Chancellor ſaying that the Appeal was a *Superſedeas* of it ſelf.

THE Progreſs made * in Convocation, towards the creating a new Writ *de Contumace capiendo*, for matters of a *Civil Nature* which are triable in the Eccleſiaſtical Courts; and for appropriating Excommunication to matters merely *Spiritual*.

Viſ. Gen. & Par. p. 139.

It is the opinion of . . . . That the beſt and moſt effectual method for regulating the proceedings in Excommunication, will be the obtaining an Act of Parliament, for a Writ *De Contumaci capiendo*, inſtead of that *De Excommunicato capiendo*, in all ſuch Cauſes as follow; That is to ſay, In all Cauſes of inſtance between party and party, and in all ſuch Cauſes of Office, as either are Teſtamentary, or do concern the Pariſhioners for not duly paying their Church-rates; and alſo in ſuch as have relation to the licenſing Phyſicians, Chirurgeons, and Midwives. And further, that in other Cauſes of Office, even in ſuch as do more immediately and directly concern the Chriſtian Faith, and reformation of manners, if any controverſy ſhall ariſe concerning the payment of fees, and the party proceeded againſt ſhall refuſe to ſubmit therein, to the authority of the Court, ſentence of contumacy only, and not that of Excommunication, ſhall be decreed or pronounced by the Eccleſiaſtical Judge, againſt ſuch party, on account of ſuch refuſal: that the ſentence of contumacy ſhall be ſent to the miniſter of the pariſh, where the contumacious party dwells, under the ſeal of the Court; and, that the ſaid Miniſter ſhall openly publiſh it in the Church, in the time of Divine Service, on the next Lord's Day but one, after he hath received it, and that all civil incapacities, and diſabilities, to which perſons excommunicate are now ſubjected, by the ſentence of Excommunication, ſhall for the future follow upon the ſentence of contumacy, being ſo publiſhed by the Miniſter, as aforeſaid, againſt any offender. And they are further of opinion, that this matter before it be offered in Parliament, ſhould be humbly laid before her Majeſty.

2. If ſuch an Act of Parliament, as in the former article is propoſed, ſhall be obtained; we are further of opinion, that whenever any perſon is by any Eccleſiaſtical Judge decreed to be excommunicated, the ſchedule of Excommunication ſhall not be read in Court, until thirty Days are expired after the making of ſuch Decree. And for the more deliberate and ſolemn proceeding in a matter of this high nature, due notice in writing ſhall forthwith be given of ſuch Decree made, and of the ſentence which will iſſue in purſuance thereof, not only to the party decreed to be excommunicated, but moreover to the Miniſter officiating in the pariſh, where the ſaid party dwells. Which Miniſter, between the time of his receiving ſuch notice, and the third Lord's Day after his receipt thereof, ſhall endeavour to apply himſelf privately to the ſaid party, and to prevail with him to prevent the dreadful ſentence of Excommunication, by a timely and dutiful ſubmiſſion to the authority of the Church. And if the party ſhall not hearken to ſuch private advice, and ſhall not promiſe under his hand to ſubmit to the authority of the Church; then the Miniſter ſhall on the third Lord's Day after notice of the aboveſaid Decree, make an open publication thereof, in the Church, at the time of Divine Service; and ſhall repreſent the extreme Danger of being cut off from the Communion of the Faithful, according to a FORM provided for that purpoſe. And after ſuch private and publick admonition, where both have been uſed; or of ſuch private warning only, where that alone hath proved effectual; the Miniſter ſhall, by the proper Officer of the Court (who ſhall call upon him for that purpoſe) tranſmit to the Eccleſiaſtical Judge, an account of his proceedings, and of the effect thereof. Provided nevertheleſs, that if after the care taken for preventing the ſentence of Excommunication, by notifying the decree thereof, both to the party, and to the Miniſter of the pariſh, in the manner above-directed, the ſaid party ſhall not within thirty Days after the making ſuch Decree, ſubmit to the authority of the Court; the Eccleſiaſtical Judge ſhall then proceed without further delay, to excommunicate the ſaid party, by reading, or cauſing to be read in Court, the ſentence of Excommunication; although the Miniſter of the pariſh hath neglected, or omitted, to do any of the things here enjoined. And in caſe of any ſuch neglect or omiſſion, the ſaid Judge ſhall notify the ſame to the Biſhop; who, if upon enquiry he ſee Cauſe, ſhall himſelf proceed, or, by

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* Temp. *Ann. Reginæ.*

by writing under his hand, direct proceſs to be made, for his contempt in ſuch neglect or omiſſion.

CAP. VII.

Abſolution, *and* Diſcharge *from* Priſon.

OTHOBON.

A.D. 1268. 52 *H.* 3.

Summarium.

Abſolutio ſeu Relaxatio à ſententia Excommunicationis, Suſpenſionis, & Interdicti, fiat publicè, locis & temporibus opportunis.

Excommunications being Publick,

Abſolution, and Diſcharge from Priſon.

SIcut Eccleſiaſticæ cenſuræ vinculum ad medelam inventum eſt, ut ſanum efficiat languidum, quem coërcet, publicè notum fieri conſuevit; ita beneficium Abſolutionis, quod ligato impenditur, expedit notum eſſe, nè non vitandus in ſui contumeliam vel ſcandalum ab aliis evitetur.

— the Abſolutions ſhall alſo be Publick.

Othob. Edit. Oxon. p. 125.

Proinde Statuimus, ut cùm aliquem Excommunicationis, Suſpenſionis, vel Interdicti ſententiâ contigerit relaxari, mandetur alicui, ut relaxationem hujuſmodi publicè nunciet, locis & temporibus [u] opportunis.

[u] Opportunis.] Hîc non incommodè inſeri poſſunt Regulæ quædam Juris Canonici, de abſolutione à Sententiâ Excommunicationis:

Extra. l. 5. t. 39. c. 27.

1. Cùm *plures* fuerint Sententiæ Excommunicationis: *Cùm pro cauſa, quæ inter G. & F. Cabilonen. Eccleſiæ Archidiaconum vertebatur, eis conceſſerimus auditorem: procurator G. allegavit, quòd cum F. Archidiaconus in Succentorem in communi dormitorio manus injeciſſet temerè violentas, & cum traxiſſet verberando per clauſtrum: tu frater Archiepiſcope eum, ob violentam manuum injectionem, & violationem immunitatis Eccleſiæ, feciſti excommunicatum publicè nunciari:* & infrà. *Diſcretioni veſtræ mandamus, quatenus ſi vobis conſtiterit dictum F. Archidiaconum ob duplicem cauſam excommunicatum fuiſſe, & expreſſiſſe tantùm alteram in literis, quas ſuper abſolutione ſua impetravit: ipſum tanquam excommunicatum ſatisfacere Eccleſiæ ſuæ pro altera, monitione præmiſſâ, cogatis.*

Ibid. c. 42.

Poſtremò quæſiviſti, utrùm is, qui propter plures exceſſus à pluribus Prælatis jus in ipſum habentibus excommunicationis eſt vinculo innodatus, & uni Prælatorum de uno tantum ſatisfacere vult exceſſu, ab eo ſit abſolvendus, de quo ſatisfacere vult eidem, & cum de alio non ſatisfecerit alii, abſolutus valeat nunciari: & infrà. *Super hoc articulo reſpondemus, quòd ſupprimenti veritatem, abſolutio ſubrepta non prodeſt: & veritatem intelligens, abſolutionem hujuſmodi exhibere non debet.*

Ibid. t. 40. c. 23.

2. An pro Contumaciâ, an Offenſâ: *Credimus diſtinguendum, utrùm in aliquem interdicti, vel excommunicationis ſententia ſit prolata pro contumacia tantùm: quia ſcilicet citatus ſtare noluit juri: vel etiam pro offenſa, quia videlicet juſſus noluit maleficium emendare. In primo caſu credimus congruè ſatisfieri, ut ſententia relaxetur, ſi priùs ſufficiens ſtandi juri cautio tribuatur. In ſecundo verò, ſi offenſa eſt manifeſta, non credimus ſatisfieri congruè, ut relaxetur ſententia, niſi priùs ſufficiens præſtetur emenda. Si verò dubia eſt offenſa, ſufficere credimus ad relaxandum eandem, ſi parendi mandato Eccleſiæ competens ſatisfactio præbeatur.*

Extra. l. 5. t. 39. c. 28.

3. De Abſolvendo poſt mortem: *A nobis eſt ſæpe quæſitum, utrùm ſi aliquis excommunicatus, in quo indicia fuerint pœnitentiæ manifeſta, nec per eum ſteterit, quò minùs reconciliaretur Eccleſiaſticæ unitati, non ſuſcepto beneficio abſolutionis deceſſerit, pro abſoluto ab Eccleſia ſit habendus: & utrùm pro tali recipienda ſit eleemoſyna, & à fidelibus ſit orandum:* & infrà. *Nos igitur conſultationi tuæ breviter reſpondemus, quòd judicium Dei veritati, quæ non fallit, nec fallitur, ſemper innititur: judicium autem Eccleſiæ nonnunquam opinionem ſequitur, quam & fallere ſæpe contingit, & falli: propter quòd contingit interdum, ut qui ligatus eſt apud Deum, apud Eccleſiam ſit ſolutus: & qui liber eſt apud Deum, Eccleſiaſticâ ſit ſententiâ innodatus. Vinculum ergo, quo peccator ligatus eſt apud Deum, in culpæ remiſſione diſſolvitur: illud autem, quo ligatus eſt apud Eccleſiam, cùm ſententia remittitur, relaxatur. —— Unde quantumcunque ſe quis juramento præſtito, quod Eccleſiæ mandato pareret, humiliare curaverit, quantumcunque pœnitentiæ ſigna præceſſerint, ſi tum morte præventus abſolutionis non potuerit beneficium obtinere, quamvis abſolutus apud Deum fuiſſe credatur, nondum tamen habendus eſt apud Eccleſiam abſolutus: poteſt tamen, & debet ei Eccleſiæ beneficio ſubveniri, ut ſi de ipſius viventis pœnitentia per evidentia ſigna conſtiterit, defuncto etiam abſolutionis beneficium impendatur.*

Ibid. t. 39. c. 39.

4. De neceſſitate Literarum Abſolutionis: *Fraternitati tuæ reſpondemus, quòd niſi excommunicati à te, ſuper abſolutione ſua literas noſtras, vel illius, cui vices noſtras in hac parte commiſimus, reportaverint, aut alio modo legitimè de illorum abſolutione tibi conſtiterit: tu ipſos pro excommunicatis, ut priùs, habeas, & facias evitari.*

BONI-

Abſolution, and Diſcharge from Penance.

A.D. 1261.
45 *H.* 3.

BONIFACIUS.

Excommunicati capti, & ſine ſatisfactione liberati, auctoritate Regiâ, non Eccleſiaſticâ, ad majorem deteſtationem eorum, & liberantium, publicè & ſolenniter pulſatis Campanis, & Candelis accenſis & extinctis, excommunicentur, & denuncientur Excommunicati locis congruis, cum eorum liberatoribus; [*& qui literas ad capiendos Excommunicatos dare pertinaciter recuſaverit, fiat ejus terræ Interdictum. Contra communicantes cum Excommunicatis ritè quoque procedatur.*]

Lyndw. Edit. Oxon. p. 349.

PRæterea contingit interdum, quòd Excommunicati *uu* de mandato *w* Prælatorum, ſecundùm *ww* Regni Conſuetudinem capti, & carceri mancipati, aliquando per Regem, aliquando per Vicecomitem, alioſque Ballivos, ſine conſenſu Prælatorum, ad quorum *x* mandatum ſic captorum debet liberatio fieri, nullâ ſatisfactione præſtitâ, liberantur: Et plerumque hujuſmodi Excommunicati *y* non capiuntur, neque de ipſis capiendis literæ Regiæ conceduntur: Nonnunquam etiam dicti Rex, Vicecomites, & Ballivi cum ipſis Excommunicatis & denunciatis *z* publicè Communicant, Claves Eccleſiæ contemnentes, in ſubverſionem Eccleſiaſticæ libertatis & ſuarum periculum Animarum. Huic ergo morbo congruam Volentes adhibere medelam, Statuimus, quòd Excommunicati ſic capti, ac taliter exeuntes de carcere, ad majorem deteſtationem liberatorum & liberantium, publicè & *a* ſolenniter pulſatis Campanis & Candelis accenſis, excommunicentur, & denuncientur Excommunicati, in locis, in quibus Ordinariis eorum videbitur expedire. Vicecomites autem, & alii Ballivi qui eos liberaverint, non præſtitâ ſatisfactione Eccleſiæ vel emendâ, Excommunicentur, ſervato Juris ordine, & Excommunicati ſolenniter nuncientur. Si tamen cum mandato Regio ad hoc proceſſerint, mitiùs cum eis arbitrio Ordinariorum agatur.

Abuſes of Excommunication,

—in diſcharging Excommunicates without Satisfaction to the Prelates,

—and in Communicating with them.

They who are ſo diſcharged, and who do diſcharge, ſhall be denounced Excommunicate.

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uu De mandato] *i. e. Rogatu: non enim mandant Prælati Domino Regi ut Excommunicati capiantur, ſed ſupplicant, ſive rogant.*

w Prælatorum.] i. e. *Epiſcoporum; nam ad rogatum Prælatorum Inferiorum Rex non conſuevit ſcribere pro captione Excommunicatorum. Unde ſi aliquis fuerit Excommunicatus ab inferiori Epiſcopo, utputà Decano vel Archidiacono, Invocatio Regiæ Majeſtatis fieri debet per Epiſcopum. Nam inferiores Epiſcopis non poſſunt invocare brachium ſæculare —— ſed Epiſcopi exequentur eorum Sententias —— Quòd ſi Epiſcopi hoc facere noluerint, ad hoc compelli poſſunt per Archiepiſcopum.* Lyndw.

ww Regni Conſuetudinem] *Quæ eſt, ut Excommunicati perſeverantes in Excommunicatione per* 40 *dies, ad requiſitionem Prælatorum capiantur & incarcerentur, quouſque humiliaverint ſe Deo & Eccleſiæ.*

x Mandatum] *i. e. Rogatum: vel intelligas propriè; quia ad mandatum Eccleſiæ Judex Sæcularis tenetur præſtare Auxilium Judicibus Eccleſiaſticis, ad puniendum Criminoſos & Rebelles. Et ſi Judex Sæcularis non vult præſtare Auxilium, poteſt compelli per Excommunicationem.* Lyndw.

y Non capiuntur] *Etiamſi Rex fieri mandaverit.* Lynd.

z Publicè] *In Eccleſiis, Mercatis, vel Nundinis, vel aliis locis, ubi convenit populi multitudo.* Lyndw.

a Solenniter] *A Sacerdote, induto ad minus Superpelliceo, & ſtolâ; aliis Sacerdotibus circumſtantibus.* Lyndw.

A.D. 1342.
16 *Edw.* 3.

JOHANNES STRATFORD.

Eccleſiaſticam ſententiam contemnentes, à Regia poteſtate in carcere detineantur, nec detenti, per Breve Regium liberentur: liberati autem contra jus & favorem Eccleſiæ publicè excommunicati denuncientur, & ſocietate hominum interdicantur, cum omnibus cum eis communicantibus.

Lyndw. Edit. Oxon. p. 264.

SÆculi Principes poteſtatem recipientes à Deo, quod Eccleſiæ Sacerdotes *b* ſuperborum cervicibus imponere nequeunt, ſolent ab ipſis terrore diſciplinæ ſuæ poteſtatis gladio extorquere. Unde veneranda tradit antiquitas, quòd ſi excommunicati humilitatis gratiam & reconciliationis *c* affectum animo obdurato arroganter *d* abjicient, invocata Regia poteſtas in auxilium tenetur ex debito rigore ſeveritatis rebelles hujuſmodi compeſcere cuſtodiâ carcerali. Sed contingit interdum, quòd, Excommunicatis etiam pro manifeſtis offenſis ad *e* ſignificationem *f* Prælatorum prout conſuetudo Regni *Angliæ* obtinet, captis & carceri mancipatis, per Breve Regium demandatur Epiſcopis, quòd ſi ſic capti de ſtando *g* Mandatis Eccleſiæ & *h* parendo Juri *i* cautionem exhibeant, ipſos, à quibus detinentur carceribus, faciant liberari: Alioquin, ſi Epiſcopi hoc non fecerint, ſicut ante *k* debitam ſatisfactionem nec poſſunt, nec de Jure tenentur, Vicecomitibus aliud Breve dirigitur,

Altho' Princes are bound to enforce the Diſcipline of the Church, by impriſoning of Excommunicates,

—yet Writs are alſo iſſued to diſcharge them, upon their Submiſſion,

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b Superborum] *i. e. Rebellium, ſive Contumacium.* Lyndw.

c Affectum] *i. e. Deſiderium.* Lyndw.

d Abjicient] *Contemnendo Sententiam Excommunicationis.* Lyndw.

e Significationem] *A quo vocabulo nuncupatur Breve Regium, ſolitum in hac parte emanare, quod dicitur* Significavit. Lyndw.

f Prælatorum] *ſcil. Majorum, utputà* Epiſcoporum; *ad quorum Significationem duntaxat emanare ſolet Breve prædictum.* Lyndw.

g Mandatis Eccleſiæ] *Quantùm ad Executionem Juſtitiæ, conſideratione rei & cauſæ.* Lyndw.

h Parendo Juri] *ſcil. in his quæ concernunt ipſam cauſam pro quâ aliquis Citatus eſt; ut ſcil. non ſit Contumax in non comparendo, ſed per ſe, vel Procuratorem, finem Negotii expectet.* Lyndw.

i Cautionem] *Sufficiens Cautio dicitur, ſi Pignora vel Fidejuſſores dentur.* Extra. l. 2. t. 13. c. 8.

k Debitam Satisfactionem] *Hoc intellige, quando voluntati Creditoris ſatisfit.* Lyndw.

Abſolution, and Diſcharge from Priſon.

—and they are diſcharged, upon that Suggeſtion,

—or upon Suggeſting, that the Excommunication is for a Temporal Crime;

—after which, others freely Communicate with them.

Excommunicates leaving Priſons, as aforeſaid, ſhall be denounced in the moſt Solemn manner,

—and they who Communicate with them, ſhall be ſeverely puniſhed.

quòd cautione hujuſmodi ab incarceratis acceptâ, eos liberent indilatè. Suggeſto inſuper Regiæ Curiæ, licèt minus veraciter, pro tali Excommunicato incarcerato, quòd ipſe paratus eſt mandatis Eccleſiæ obedire, mandatur Vicecomitibus ut incarceratum hujuſmodi Excommunicatum, partium ad quarum inſtantiam excommunicatur *l* non habitâ mentione, à carcere liberent ac dimittant. Ac quandoque, ut prius, ſuggeſto, quòd Excommunicati incarcerati, *m* pro tali cauſa quæ ad Forum Eccleſiaſticum non pertinet, Excommunicatione nodantur; datur Vicecomitibus in præceptis, quòd ſi pro cauſa hujuſmodi & non aliâ Excommunicati & incarcerati fuerint, ipſos curent celeriter liberare, nec proceſſibus Judicum Eccleſiaſticorum ſuper cauſa Excommunicationis hujuſmodi fides aliqua *n* adhibetur; ſed ſic Excommunicati in ſupradictis caſibus ad Mandata & præcepta hujuſmodi indebitè liberantur: Propter quæ Eccleſiaſticorum Judicum confunditur Officium, dum Laici (clave Poteſtatis & Scientiæ penitus deſtituti, quos ſic tenet obſequendi neceſſitas, quòd de his quæ ad Juriſdictionem Eccleſiaſticam pertinent, ipſis cognoſcendi vel imperandi prohibetur Auctoritas) falcem in meſſem nituntur mittere alienam; Excommunicatorumque ſic liberatorum indebitè Communione nefandâ, tam Vicecomites & Ballivi liberantes eoſdem, quàm cæteri Populares variique Fideles Communicantes cum Excommunicatis hujuſmodi, peſtiferè *o* maculantur, & animarum inde gravia pericula cumulantur. Contra quæ providere zelantes, Statuimus, quòd Excommunicati in noſtra provincia capti, ſic exeuntes à carcere contra Libertates & Conſuetudines Eccleſiæ *Anglicanæ*, ad ipſorum majorem confuſionem & ruborem, ſolenniter in locis inſignibus, pulſatis campanis, candelis accenſis, Excommunicati publicè nuncientur, ac ipſorum Commercium ad eorum commodum, & Fidelium Communio, inhibeatur omnino; Communicanteſque cum eiſdem illicitè, Cenſurâ Eccleſiaſticâ ſine delectu acriter puniantur.

l Non habitâ mentione] *Nec parte ullo modo ad hoc vocatâ: cùm tamen tales ad inſtantiam alicujus Excommunicati abſolvi non debeant, niſi parte vocatâ, & præſente, vel ſaltem per Contumaciam abſente.* Lyndw.

m Pro tali causâ] *i.e. In tali cauſâ, ſive lite: nam cauſa Excommunicationis eſſe debet, non ipſa Litis ſive Diſſenſionis materia, ſed Contumacia non parentis Judicis Mandatis ſive Juri.* Lyndw.

n Adhibetur] *Cùm tamen tanta ſit Judicialis Auctoritas, quòd ſemper præſumi debet pro ipsâ, donec aliquid contra ipſam legitimè comprobetur.*

o Maculantur] *Quia communicans Excommunicato majori Excommunicatione, incurrit minorem; &, niſi deſtiterit, majorem.* Lyndw.

JOHANNES PECCHAM.

A.D. 1281.
9 *Edw.* I.

Nullus abſolvat Excommunicatum, nec plura Beneficia ſacrilegè poſſidentem, niſi ſatisfactione præviâ & auctoritate obtentâ; aut ſimili Excommunicatione innodetur.

Lyndw. Edit. Oxon. p. 337.

Undue Abſolutions being very pernicious to the Soul,

—particularly, of thoſe who have violated the Rights and Liberties of the Church,

—no ſuch ſhall be abſolved, without Satisfaction, and a Special Commiſſion from the Archbiſhop or Biſhop.

SAcramentum Pœnitentiæ naufragantium remedium ſingulare, per quorundam inſipientiam Sacerdotum *p* debito fructu caret; & illi qui creduntur à fluctibus emergere, pernicioſiùs in damnationis pelagus demerguntur, dum de facto abſolvunt plurimos, quos de Jure abſolvere nequeunt; *Vivificantes*, ut ait Propheta, *propter pugillum hordei & fragmen panis, animas quæ non vivunt*, utpote abſolventes de facto excommunicatos à Jure, & præcipuè ab *q Oxonienſi* Concilio, propter læſionem aut perturbationem Eccleſiaſticæ libertatis, vel propter conſimilia ſcelera in eodem Concilio conſimili pœnâ damnata; ſeu abſolventes de facto excommunicatos, Decimas vel alia Jura Eccleſiaſtica detinentes. Quibus obſiſtentes, ut ſeductoribus animarum, & pulvillos conſuentibus ſub cubitis reproborum, Omnibus *Cantuarienſis* Provinciæ Confeſſoribus, ſub nobis & noſtris Coëpiſcopis Conſtitutis, diſtrictiùs Inhibemus, nè de cætero manus audeant extendere ad ſeducendos hujuſmodi per Abſolutionis ſignaculum; quod novimus ſine debita ſatisfactione & ſpeciali Commiſſione Archiepiſcopi vel Epiſcopi non tenere, dum ſint in ſuis ſceleribus pertinaces; exiſtimantes nihilominus hujuſmodi non tam Confeſſores quàm fovearum Diaboli Confeſſores, peccare etiam graviſſimè, cum convincantur, ſaltem tacitè eiſdem ſceleribus conſentire, & ſceleroſos in ſua perfidia confortare. Unde caveant ipſi, nè in eodem cum talibus Excommunicationis laqueo involvantur.

p Debito fructu] *Tria namque requiruntur, ut Pœnitentia ſit fructifera; viz. In Corde, Contritio; in Ore, Confeſſio; in Opere, Satisfactio.* Lyndw.

q Oxonienſi Concilio] *In Conſt.* Auctoritate; *ut in Cap.* 5. *hujus Tit.*

9 Edw. II. Cap. 7.

A.D. 1315.

In what only Caſe the Kings Letters ſhall be ſent to diſcharge an Excommunicate.

Ordinaries ſhall not be impeached, for Excommunication,

ALSO, the Kings Letter directed unto Ordinaries, that have wrapped thoſe that be in ſubjection unto them in the ſentence of Excommunication, that they ſhould aſſoil them by a certain day, or elſe that they do appear, and ſhew wherefore they have excommunicated them. The Anſwer. The King decreeth, that hereafter no

Abſolution, and Diſcharge from Priſon.

no ſuch Letters ſhall be ſuffered to go forth, but in caſe where it is found that the *r* Kings liberty is prejudiced by the Excommunication. — unleſs the K's. Liberty is prejudiced.

2 Inſt. 623. 12 Rep. 76. *r* **King's Liberty.**] If the Excommunication be *unjuſt* (ſaith my Lord *Coke) i. e.* If the Party be Excommunicated for a Matter which belongs not to Eccleſiaſtical Cogniſance, and be taken by force of the King's Writ; then the Party grieved ſhall have a Writ out of the *Chancery* to the Sheriff, to deliver him out of Priſon: Becauſe in that caſe the *King's Liberty* is *prejudiced*, and therefore the Subject hath relief by the King's Writ.

4 Siderf. 232, 103. In like manner; If one appear in the Spiritual Court, and is Excommunicated for refuſing to Anſwer, where he is not bound by Law to Anſwer (for inſtance, when he cannot obtain a Copy of the Libel;) Prohibition is granted with Clauſe to *abſolve* and *deliver* the Party.

12 Rep. 77. And in neither of theſe Caſes, may the Party (in order to Abſolution) be oblig'd to take the Oath *de parendo Mandatis Eccleſiæ*, becauſe (as my Lord *Coke* ſaith) ſuch *Mandata Eccleſiæ*, are *contra Legem & extra Juriſdictionem ſuam*. Siderf. 232. But otherwiſe it is, if the Sentence of Excommunication was inflicted for Contempt in *not appearing*; for in that caſe, the Oath muſt be taken.

A.D. 1562.

5 Eliz. Cap. 23.

In an Act, Entituled, *An Act for the due Execution of the Writ* De Excommunicato Capiendo.

X. Saving and reſerving to all Archbiſhops and Biſhops, and all others having authority to certifie any perſon excommunicated, like authority to accept and receive the *rr* ſubmiſſion and ſatiſfaction of the ſaid perſon ſo excommunicated, in manner Saving to Archbiſhops and Biſhops the rights — of receiving Submiſſion,

Regiſtr. 67, a. *rr* **Submiſſion and Satiſfaction.**] The Language of the Writs, when they ſpeak of Abſolving and Delivering an Excommunicate, is, *Factâ ſatiſfactione, aut præſtitâ Cautione, prout moris eſt, de parendo mandatis Eccleſiæ*, and the like: *i. e.* either making *preſent Satiſfaction* at or upon his Abſolution, or *putting in Caution* that he will hereafter perform that which the Biſhop ſhall reaſonably and according to Law enjoin him. Which Caution, in the Civil Law, is of three ſorts: 1. *Fidejuſſoria*; As, when a Man *bindeth* himſelf with Sureties to perform ſomewhat. 2. *Pignoratitia*, or *realis Cautio*; as when a Man engageth Goods, or mortgageth Lands, for the Performance. 3. *Juratoria*; When the Party which is to perform any thing, taketh a Corporal Oath to do it. The laſt of theſe, *viz.* an Oath *(de parendo Juri & ſtando Mandatis Eccleſiæ, in formâ Juris,)* is that which is often accepted by Ordinaries; and as to the ſecond, it is expreſly mention'd in the ancient Regiſter, and hath been always acknowledged in the Temporal Courts to be good in Law. Regiſtr. 65, a. 67, b. 2 Lev. 26. Raym. 225. But as to the firſt, under which is comprehended the taking of a *Bond* for Performance, it was declared, 9 *Jac.* I. to be againſt Law. 1 Bulſt. 122. But, as that was a Judgment given *by the way* only, ſo, when the *ſame* Matter came under conſideration again, 25 *Car.* II. Raym. 226. 2 Lev. 36. and it was urg'd, that, by the Tenor of the Writ, the choice of the *Caution* is left to the *diſcretion* of the Ordinary; and, that Caution by *Obligation* is as much a Caution as either of the other two, and more for the Eaſe of the Party than a Pledge, and the conſtant Uſe and Practice of the Eccleſiaſtical Courts; upon this, *Hale* doubted, whether it was good or not; but *Wild* held it was good, ſaying, Such Bonds had been frequent, and that they had been allow'd in the Court of *Common-Pleas*. But the Cauſe being moved again, the Court would not proceed in it, becauſe the Excommunication and Offence were taken off by the King's *General Pardon*.

† Regiſt. 66, a. * Ibid. Due Caution being † *offer'd* by the Party, and *admitted*; the Biſhop may * command the Sheriff to deliver him out of Priſon; but if good and ſufficient Caution is offer'd, and *not admitted*, then a Writ to the Biſhop is provided, of the following Form:

Reg. f. 66, a. "REX Venerabili, &c. Salutem. Ex parte A. quem "ad denunciationem veſtram, tanquam excommuni-"catum & claves eccleſiæ contemnentem, per corpus ſuum "ſecundùm conſ. Angl' per Vic' talem juſticiari præcepimus, "donec ſanctæ eccleſiæ tam de contemptu quam de injuria "ei illata ab eo eſſet ſatisfactum; nobis eſt oſtenſum, quòd "licèt idem A. vobis frequenter obtulerit idoneam cautio-"nem de parendo mandatis eccleſiæ in forma juris, ut per "hoc abſolutionis beneficium conſequi poſſet, ea nihilomi-"nus cautionem hujuſmodi ab eo recipere ſeu admitt' hac-"tenus recuſâſtis, de quo miramur. Et quia nolumus quòd "idem A. diutiùs in priſona contra juſtic' detineatur: vobis "mandamus quod acceptâ à præf. A. cautione præd', ipſum "A. à priſona, qua, occaſ. præmiſſâ, detinet' deliber' man-"detis, alioquin quod noſtri eſt in hac parte exequemur. T. &c.

And if the Biſhop doth not deliver him, upon the ſaid Writ; then the Party may have *another Writ* to the Sheriff to deliver him: ſuch † *ſufficient Caution* being firſt taken, and not otherwiſe. † Regiſtr. 66, a. b. 67, a.

Regiſtr. 66, a. "REX vic' ſalutem. Ex parte A. quem ad denuncia-"tionem venerabilis, &c. tanquam excommunica-"tum & claves eccleſiæ contemnentem, per corpus ſuum "ſecundùm conſuetudinem Angl' per te juſticiari præcepi-"mus, donec, &c. ut ſupra, uſq; ibi, *oſtenſum*; quòd licèt "idem A. præf. epiſcopo frequenter, &c. uſque ibi, *con-"ſequi poſſet*; idem tamen epiſcopus cautionem illam ab "eo hactenus admittere recuſavit, de quo miramur. Et "quia nolumus quòd idem A. &c. uſq; ibi, *detineatur*: "tibi præcipimus quòd in propria perſona tua accedas ad "præfatum epiſcopum, & ipſum ex parte noſtra moneas & "efficaciter induces, ut acceptâ ab eodem A. cautione præ-"dictâ, ipſum à priſona prædicta mandet deliberari. Et ſi "idem epiſcopus in præſentia tua id facere noluerit: tu ip-"ſum A. à priſona prædicta, ſi eâ occaſione & non aliâ de-"tineatur in eadem, deliberari fac'. T. &c.

Coſ. p. 15. But altho', in caſe the Party Excommunicated *reſts in the Sentence* given againſt him, there is no legal means for his Deliverance, but *Submiſſion*, and *Caution*, as abovesaid; yet if he *Appeal* from ſuch Sentence to a ſuperior Eccleſiaſtical Judge, this puts the Party in the ſame State that he was in *before* the Sentence given; which the Law orders, by reaſon of the preſent *doubtfulneſs* whether it was valid or invalid. Add to this, that by Appeal, the Judge *à quo* doth ceaſe to be his Judge in that Cauſe; and, if the Party was Impriſoned, and were to continue ſo, he would thereby be hindred from the effectual *Proſecution* of his Appeal, which may happen to prove juſt. Wherefore, upon Allegation in behalf of the Party againſt whom the Writ is gone out, that he hath *Appealed*, and upon Proof made thereof by an authentick Inſtrument, a Writ of *Superſedeas* (without any *appearance* of a *Scire facias* preceding) is provided, as follows:

Regiſtr. f. 68, a. "REX vic' ſalutem. Cùm nuper ad requiſitionem ve-"nerabilis patris, &c. per literas ſuas patentes no-"bis ſignificantis, quòd C. propter manifeſtam contuma-"ciam ſuam excommunicatus eſt, nec ſe vult per cenſuram "eccleſiaſticam juſticiari, tibi præceperimus quòd ipſum C. "per corpus ſuum ſecundùm conſuetudinem Angl' juſticia-"res, donec ſanctæ eccleſiæ, &c. eſſet ſatisfactum, & jam "intellexerimus per literas Officialis, &c. quòd prædictus "C. à ſententia prædicta, in ipſum per præfatum epiſco-"pum illata, tanquam ab iniqua, ad ſedem apoſtolicam & "ad curiam Cantuar' pro tuitione legitimè appellaverit, & "appellationis ſuæ negotium proſequitur cum effectu: Nos,

—and of abſolving,

—and of having Writs, for deliverance.

Abſolution, and Diſcharge from Priſon.

and form heretoforeſaid, and him to abſolve and releaſe, and the ſame to ſignifie, as heretofore it hath been accuſtomed, to the Queens Majeſty, her Heirs and Succeſſors, into the high Court of Chancery, and thereupon to have ſuch Writs for the deliverance of the ſaid perſon, ſo abſolved and releaſed from the Sheriffs cuſtody or priſon as heretofore they or any of them had, or of right ought or might have had; Any thing in this preſent Statute ſpecified or contained to the contrary hereof in any wiſe notwithſtanding.

" nolentes quòd præfato C. per prædictum breve noſtrum " via præcludatur, quò minùs dictæ appellationis ſuæ negotium proſequi poſſit in forma juris, maximè cum hujuſmodi breve noſtrum de gratia noſtra procedat, & appellantium ſtatus integer eſſe debeat: tibi præcipimus, quòd " executioni brevis noſtri prædicti tibi inde directi faciendæ " ſuperſedeas, pendente appellationis negotio ſupradicto: " *vel ſic*, donec de concilio noſtro aliud inde duxerimus " ordinandum: *vel ſic*, tibi præcipimus quòd ipſum C. " prætextu cujuſdam brevis noſtri tibi inde directi captum, " & in priſona noſtra de L. detentum, à priſona prædicta, " ſi eâ occaſione & non aliâ detineatur in eadem, deliberari " facias uſq; ad talem diem, &c. niſi aliud interim duxerimus ordinandum. *Vel ſic*, & ſi ipſum C. occaſione prædicta ceperis, tunc ipſum à priſona qua, &c. ut ſupra. " T. &c.

But the uſual way (eſpecially in Caſes where it is doubtful, whether Objections may not lie againſt his being delivered) is the iſſuing a *Scire facias*, to warn the Biſhop, and the Party proſecuting, to ſhew cauſe why the Sheriff ſhould not ſurceaſe from Attaching the Excommunicate, or why he ſhould not deliver him, if he be in Priſon.

Regiſtr. f. 69, a.

" REX vic' ſalutem. Licèt nuper ad requiſitionem venerabilis patris W. archiepiſcopi Cantuar,' per " literas ſuas patentes nobis ſignificantis R. de B. Lincoln' " dioc' propter manifeſtam contumaciam ſuam ad inſtantiam " A. in quadam cauſa ad curiam Cantuar' legitimè devolutâ, excommunicatum eſſe, nec ſe velle per cenſuram eccleſiaſticam juſticiari, tibi præceperimus quòd prædictum " R. per corpus ſuum ſecundùm conſuetudinem Angl' juſticiares, donec, &c. ſatisfactum: quia tamen præfatus " R. in ſui juris defenſione aſſiſtens, à ſententia prædicta " tanquam ab iniqua ad ſedem apoſtolicam legitimè appellaverit, & appellationis ſuæ negotium in curia Romana, " coram judicibus per dominum ſummum pontificem ad " hoc deputatis, ſequitur cum effectu, ſicut per literas bullatas & inſtrumenta publica ſuper his confecta & in cancellaria noſtra exhibita, pleniùs apparet, & nobis ſupplicavit, " ſibi remedium in hac parte adhiberi: Nos nolentes ipſum " R. prætextu brevis noſtri prædicti indebitè prægravari, " tibi præcipimus quòd ſcire facias præfato A. ad cujus proſecutionem dicta ſententia lata fuit, quòd ſit coram nobis " in cancellaria noſtra tali die ubicunque tunc fuerit, quem " diem præfato R. dedimus, ibidem ad proponendum ſi " quid pro ſe habeat vel dicere ſciat, quare captioni ejuſdem R. ſuperſederi non debeat pendente placito appellationis antedictæ. Et ſi præfatus R. invenerit tibi ſufficientes manucaptores qui eum manucapiant, videlicet quilibet eorum corpus pro corpore habere tunc ibidem ad " dictum negotium appellationis proſequendum, & ad faciendum & recipiendum ulterius quod curia noſtra conſideraverit in hac parte: tunc executioni brevis noſtri prædicti de prædicto R. per corpus ſuum ſecundùm conſuetudinem Angliæ juſticiando interim ſuperſedeas per manucaptionem antedictam. Et habeas ibi hoc breve. T.

If the Biſhop, in Caſes of *Office*, and the Proſecutor in Caſes of *Inſtance*, appear not in *Chancery*, the Party is delivered: But if they appear, and not the Party; then a *Re-Attachment* goes forth, to impriſon him.

22, 23 Car. II. (Stat. 2.) Cap. 15.

A.D. 1670.

In an Act, Entituled, *An Act for laying Impoſitions upon Proceedings at Law.*

Duty upon *Significavit*, 5*s.*

LVI. **For every** Significavit pro Corporis deliberatione; **five ſhillings.**

5, 6 Will. & Mar. Cap. 21.

A.D. 1693.

In an Act, Entituled, *An Act for the granting to their Majeſties ſeveral Duties upon Vellum*, &c.

Significavit pro Corporis Deliberatione, ſhall pay 5*s.*

For every Skin or Piece of Velum, Parchment or Sheet of Paper, upon which any Significavit pro corporis deliberatione **ſhall be ingroſſed or written, the Sum of five ſhillings.**

9, 10 Will. III. Cap. 25.

A.D. 1697.

In an Act, Entituled, *An Act for granting to his Majeſty, his Heirs, and Succeſſors, further Duties upon Stampt Vellum*, &c.

—and 5*s.* more In all 10*s.*

§. I. —— **Be it enacted —— that there ſhall be Raiſed, Collected, and Paid unto his Majeſty his Heirs and Succeſſors † for ever (over and above the Rates and Duties and Sums of Money now due and payable to his Majeſty ——) For every Skin * ——**

† Stat. 5, 6 *Will.* was only for 4 years.

* This Statute, is the ſame, as 5, 6 *Will. & Mar.*

CAP. VIII.

Of SEQUESTRATION.

A.D. 1268.
52 *H.* 3.

OTHOBON.

In Conſt. *Ne Prælati fructus Eccleſiarum Vacantium percipiant.*

Summarium.

Ne Prælati Sequeſtrationes Fructuum & Proventuum Beneficiorum Eccleſiaſticorum faciant, niſi caſus ſpeciales emergant, in quibus à Jure aut legitimâ Conſuetudine permittantur: aliter Sequeſtrationes etiam ſub pœnâ Excommunicationis & Interdicti latæ, ſint irritæ, & Prælatus donec revocaverit, à Dalmaticæ Tunicæ & Sandaliorum uſu, ſit ſuſpenſus.

Of Sequeſtration.

Othob. Edit. Oxon. p. 110.

——SEqueſtrationes Fructuum & Proventuum Beneficiorum Eccleſiaſticorum à Prælatis fieri penitus Prohibemus, quod & Leges & Canones interdicunt, niſi caſus ſpeciales emergant, in quibus ſequeſtrationes, certæ conſuetudines, & Jura [y] permittunt: Aliter autem factas Sequeſtrationes, & latas occaſione hujuſmodi Excommunicationum, Suſpenſionum, & Interdicti Sententias, nullas eſſe Decernimus ipſo Jure. Prælatus etiam, qui hujuſmodi Sequeſtrationes fecerit, quouſque revocaverit, ipſo facto à Dalmaticæ Tunicæ & Sandaliorum uſu ſit ſuſpenſus.

Sequeſtrations excepted in ſpecial Caſes warranted by Law, ſhall be null.

[y] Permittunt.] *Tu hanc materiam ſic diſtingue: Aut Crimen ſuper quo impetitur, tangit Actum Adminiſtrationis, putà* Dilapidationem; *tunc interim Adminiſtratio ſibi interdicitur: Aut impetitur ſuper Crimine alio Extrinſeco, putà ſuper Simoniâ, Homicidio, vel hujuſmodi; tunc nihilominus ſibi ſolvi debet [fructus Eccleſiæ] nec ab Adminiſtratione interim eſt ſuſpendendus.* Lyndw.

A.D. 1342.
16 *Edw.* 3.

JOHANNES STRATFORD.

Violatores Sequeſtrorum in caſibus à Jure permiſſis interpoſitorum, poſt publicationem debitis loco & tempore factam, majoris Excommunicationis ſententiam incurrant; niſi à ſequeſtro legitimè fuerit appellatum.

Lyndw. Edit. Oxon. p. 104.

FRequens perverſorum, *& infrà.* Præſentis ſtatuimus deliberatione Concilii, quòd in Provincia noſtra violatores [yy] Sequeſtrorum, per Epiſcopos, aut Vicarios ſuos Generales, ipſorumve Officiales principales, ex cauſis juſtis & veris, in bonis Eccleſiaſticis, aut aliis in caſibus à † Jure permiſſis interpoſitorum, poſt & contra publicationem debitè factam in locis, quibus bona ſic Sequeſtrata conſiſtunt, majoris Excommunicationis ſententiam ipſo facto incurrant. Si tamen à Sequeſtro fuerit appellatum, & Appellatio legitimè proſecuta, eâ pendente, poſſeſſores bonorum Sequeſtratorum, & alii, liberè & impunè utantur eiſdem.

If any Perſon ſhall violate a Sequeſtration duly made,

—he ſhall incur the Greater Excommunication, *ipſo facto.*

[yy] Sequeſtrorum.] *Quæ fiunt altero de duobus modis, viz. aut de Conſenſu Partium, aut Judicis Auctoritate. Sequeſtrum primo modo ſumptum, eſt rei quæ in controverſiam deducitur, cum conſenſu Concertantium, apud tertium depoſitio. ——Sequeſtrum verò, quod Judicis auctoritate interponitur, quandoque fit de re non contentioſâ, & hoc dupliciter; Ad Juris alicujus Conſervationem; & tunc Sequeſtratio eſt ſui Juris tuendi ſeu oneris evitandi gratiâ, apud alium depoſitio: Si verò fiat de re Contentioſâ, tunc Sequeſtratio eſt rei poſſeſſæ ſeu detentæ ejus quæ in controverſiâ vertitur, à poſſeſſore ſeu detentore, Judicis officio, ex causâ, ſeparatio, & penès alium depoſitio.* Lyndw.

† Jure permiſſis.] *Hoc dicit, quòd regulariter omnis Sequeſtratio eſt prohibita.* Lyndw.

A.D. 1342.
16 *Edw.* 3.

JOHANNES STRATFORD.

Pendente legitimâ ab Interpoſitione Sequeſtri Appellatione, utantur poſſeſſores bonis Sequeſtratis impunè.

Lyndw. Edit. Oxon. p. 114.

FRequens perverſorum, *& infrà.* Si ab interpoſitione Sequeſtri fuerit Appellatum, & Appellatio legitimè proſecuta; eâ pendente, Poſſeſſores Bonorum Sequeſtratorum, & alii, liberè & impunè utantur eiſdem.

Appeal being made in Caſe of Sequeſtration, the Party Sequeſtred ſhall enjoy Profits in the mean time.

CAP. IX.

DEGRADATION, *and* DEPRIVATION.

23 Henr. VIII. Cap. 1.

A.D. 1531.

In an Act, Entituled, *An Act concerning Convicts in Petit-Treaſon, Murder*, &c.

Clerks convict of Felony, or Murder, ſhall not make Purgation,

V. PRovided alwap, that this Act extend not to give any benefit to any ſuch perſon or perſons, which after their confeſſion or judgment given againſt them, of or for felony, murder, or after they be outlawed for any ſuch cauſe, be admitted to their Clergy, and delivered to the Ordinary for the ſame; but that they and every of them ſhall remain in the cuſtody of the Ordinaries, without making purgation, upon ſuch peril and in ſuch manner and form as it was uſed in the common law, before the making of this preſent Act, this Act or any thing therein contained notwithſtanding.

— but the Ordinary may diſgrade them, and deliver them to the Secular power, to receive Judgment;

— which ſhall be executed, and the Ordinary diſcharged.

VI. Provided always, and be it further enacted, that every Ordinary to whoſe cuſtody any ſuch convict, for any of the offences above rehearſed, ſhall be committed, may at his liberty z diſgrade every ſuch convict zz after the laws of the Church, if he ſee cauſe ſo to do, and *a* ſend the convict ſo diſgraded, in ſure and ſafe keeping, into the Kings Bench, with a certificate under his ſeal, teſtifying the ſaid diſgrading: upon the which the Juſtices of the Kings Bench, having afore them the record, upon the which the ſaid perſon ſo diſgraded was firſt convict, ſhall give ſuch like judgment of death upon the ſame record, againſt every ſuch perſon ſo convict and diſgraded, as the Juſtices afore whom he was convict might have done, if the perſon ſo diſgraded at the time of his conviction afore them had been no Clerk: his admiſſion to his Clergy, and committing to the Ordinary, ne any other thing, uſe, or cuſtom to the contrary hereof notwithſtanding. And that every ſuch judgment ſhall be executed accordingly; and that every Ordinary ſo ſending any ſuch convict diſgraded into the Kings Bench, ſhall be diſcharged againſt the King our Soveraign Lord, his heirs and ſucceſſors, of or for any further cuſtody or keeping of the ſame convict. This Act to continue unto the laſt day of the next Parliament.

Hob. 290.

Ibid.

z **Diſgrade.**] *I am clear of Opinion* (ſaith *Hobart) that if the Ordinary at the Common-Law would have convented a Churchman to* deprive *or* degrade *him for Felony, before his Trial at the Common-Law; Probibition ſhould have lain, for holding Plea of a Cauſe of the Crown, and the prejudging the King's Court.*—And, *If a Clerk were found not guilty of Felony, and ſo diſcharged; if they would after convent him again, and admit new Proof that he were guilty, in order to deprive him, they were to be Prohibited.*——But *if they would not controvert, nor re-examin the Acts of the King's Courts, but build their Sentences upon them, (as, if they did deprive a Man by Sentence, becauſe he was Convicted or Attainted of Felony, Murder, or Manſlaughter, at the Common-Law,) they were not to be Prohibited.*

2 Cro. 430. Hob. 121. 288.

This laſt was the Caſe of *Searl*, Parſon of *Heydon*, *Ann.* 15 *Jac.* I. who having been Convicted of Homicide, and allow'd his Clergy, was proceeeded againſt in the Spiritual Court in order to Deprivation, by reaſon of ſuch Conviction; and the Court reſolved, That ſince the Libel againſt him was not directly as a *Homicide*, but as one *Convict of Homicide in the Temporal Court*, upon which alone the Sentence there was to be grounded; Prohibition ought not to go; and it was accordingly deny'd.

6 Decretal, l. 5. t. 9. c. 2.

zz **After the Laws of the Church.**] The ancient Law, or Rule, of Degradation, is thus laid forth in the ſixth Book of the Decretals.

"DEgradatio qualiter fieri debeat, à nobis tua fraternitas requiſivit. Super quo tibi taliter reſpondemus; "quòd verbalis degradatio ſeu depoſitio ab ordinibus vel "gradibus Eccleſiaſticis, eſt à proprio epiſcopo, ſibi aſſiſten- "te in degradatione clericorum in ſacris conſtitutorum or- "dinibus certo Epiſcoporum numero diffinito canonibus, "facienda: quamquam proprii Epiſcopi ſententia ſine alio- "rum Epiſcoporum præſentia ſufficiat in degradatione eo- "rum, qui minores duntaxat ordines receperunt. Actualis "verò ſive ſolemnis cœleſtis militiæ militis, id eſt, clerici "degradatio, (cùm ad eam fuerit procedendum) fiet ut ex- "auctorizatio ejus qui militiæ deſervit armatæ, cui militaria "detrahuntur inſignia, ſicque à militia remotus caſtris reji- "citur, privatus conſortio & privilegio militari. Clericus "igitur degradandus, veſtibus ſacris indutus, in manibus "habens librum, vas, vel aliud inſtrumentum ſeu ornamen- "tum ad ordinem ſuum ſpectans, ac ſi deberet in officio "ſuo ſolemniter miniſtrare, ad epiſcopi præſentiam addu- "catur: cui epiſcopus publicè ſingula, ſive ſint veſtes, ca- "lix, liber, ſeu quævis alia, quæ illi juxta morem Ordi- "nandorum Clericorum in ſua Ordinatione ab Epiſcopo "fuerint tradita, ſeu collata, ſingulariter auferat; ab illo "veſtimento ſeu ornamento, quod datum vel traditum fue- "rat ultimò, inchoando, & deſcendendo gradatim degrada- "tionem continuet uſque ad primam veſtem, quæ datur in "collatione tonſuræ: tuncque radatur caput illius ſeu ton- "deatur, ne tonſuræ ſeu clericatûs veſtigium remaneat in "eodem. Poterit autem Epiſcopus in degradatione hujuſ- "modi uti verbis aliquibus ad terrorem, illis oppoſitis, quæ "in collatione Ordinum ſunt prolata, dicendo presbytero "hæc vel ſimilia verba in remotione planetæ: Auferimus "tibi veſtem ſacerdotalem, & te honore ſacerdotali priva- "mus: ſicque in remotione reliquorum inſignium ſimilibus "verbis utens. In ablatione ultimi, quod in collatione or- "dinum fuit primum, infraſcripto vel alio ſimili modo pro- "nunciet ſive dicat: Auctoritate Dei omnipotentis Patris, "& Filii, & Spiritûs ſancti, ac noſtrâ, tibi auferimus habi- "tum clericalem, & deponimus, degradamus, ſpoliamus, "& exuimus te omni ordine, beneficio, & privilegio cleri- "cali.

By the Common-Law, there are two ſorts of Degrading; one *Summary*, by *Word* or *Sentence* only; and the other *Solemn*, by diveſting the Party Degraded of thoſe Ornaments and Rites, which be the *Enſigns* of his Order or Degree.

a **Send the Convict**] This is a ſpecial Regard, which States and Princes have paid to the Church and Clergy, That if any of them committed a thing worthy of Death, or open Shame, he ſhould not be Executed, or Expoſed, till he was *Degraded*; and then to be Executed or put to ſhame, as a *Lay*-Malefactor.

Ruſhw. V. 2. p. 56.

In the Judgment given againſt Dr *Leighton* (6 *Car.* I.) for publiſhing a Seditious Book, it is ſaid as follows:——"And in reſpect the Defendant hath heretofore entred into the Miniſtry, and this Court, for the Reverence of that Calling, doth not uſe to inflict any corporal or ignominious Puniſhment upon any perſon, ſo long as they continue in Orders; the Court doth refer him to the High Commiſſion, there to be degraded of his Miniſtry." Which being accordingly done, he was ſet in the Pillory, whip'd, &c.

Degradation, and Deprivation.

A.D.1531.

23 Henr. VIII. Cap. 2.

In an Act, Entituled, *An Act, for Clerks Convict breaking Priſon.*

OBS.

II. Provided alway, that if any ſuch offender be within holy Orders, that is to ſay, in the orders of Subdeacon, Deacon, or Prieſthood, that then after he is convict of the premiſſes, he ſhall be delivered to the Ordinary, there to remain without any purgation.

Offender againſt Stat. 23 *H.* 8. being within Holy Orders, ſhall not be admitted to Purgation,

III. And it is enacted, that it ſhall be at the liberty of the Ordinary to diſgrade any ſuch offender, after he is found guilty, and delivered to him, as a clerk convict, and ſend him before the King in his Bench with letters witneſſing the ſaid diſgrading, and thereupon the Juſtices of the Kings Bench, having the record of his conviction, ſhall have power and authority to give judgment againſt every ſuch offender being convict and diſgraded, that ſhall ſuffer death, like as they might do in caſe the ſame offender had been a Lay-man, and arraigned and found guilty afore them of the ſaid offence, the delivering of ſuch offender afore to the Ordinary notwithſtanding.

— but may be diſgraded by the Biſhop, and deliver'd to the Secular Power, and ſuffer death.

A.D.1551.

5, 6 Edw. VI. Cap. 11.

In an Act, Entituled, *An Act for the Puniſhment of divers kinds of Treaſons.*

EXP.

II. Be it therefore enacted by the aſſent and conſent of our Soveraign Lord the King, and the Lords Spiritual and Temporal, and the commons of this preſent Parliament aſſembled, and by the authority of the ſame, that if any perſon or perſons after the firſt day of June next coming by open preachings, expreſs words or ſayings, do expreſly, directly, and adviſedly ſet forth, and affirm, that the King that now is, is an Heretick, Schiſmatick, Tyrant, Infidel, or Uſurper of the Crown, or that any his heirs or ſucceſſors, to whom the Crown of this Realm is limited by authority of Parliament, holden in the five and thirtieth year of the reign of the late King Henry the eight, being in lawful poſſeſſion of the Crown, is an Heretick, Schiſmatick, Tyrant, Infidel, or Uſurper of the Crown; that then every ſuch offender, being thereof lawfully convicted, or attainted by the laws of this Realm, their Abbetors, Procurers, and Councellors, and all and every their aidors and comforters, knowing the ſaid offences, or any of them to be done, ---- for his or their ſecond offence or offences, ſhall loſe and forfeit unto the King the whole iſſues and profits of all his and their lands, tenements, and other hereditaments, benefices, Prebends, and other Spiritual promotions, for term of the life of ſuch offender or offenders, and ſhall alſo loſe and forfeit unto the King all his and their goods and chattels, and alſo ſuffer during his and their lives perpetual impriſonment of his and their bodies.

Any Perſon, Offending againſt, 5, 6 *Edw.* 6. c. 11, by ſlandering the King,

— ſhall forfeit the Profits of his Promotions during Life,

III. Provided always, that ſuch of the ſaid Spiritual promotions, as ſhall be charged with cure, be always by the Kings Majeſty, and his heirs and ſucceſſors ſufficiently furniſhed of a Curate, for the diſcharge of the ſame.

— but the King ſhall provide for the Cure.

A.D.1554.

1, 2 Phil. & Mar. Cap. 10.

In an Act, Entituled, *An Act whereby certain Offences be made Treaſons.*

EXP.

III. Provided always, and be it enacted by the authority aforeſaid, that all and every Eccleſiaſtical perſon being convicted or attainted in form aforeſaid, for every ſuch offence, ſhall be deprived by the ordinary from his promotion Spiritual or Eccleſiaſtical, in ſuch like mamner and form, that it ſhall be lawful for every Patron, Founder, or giver thereof, to preſent, after ſuch deprivation had, ſome one or other to the ſame, as though the ſaid offender or offenders were deceaſed.

Perſons convicted, or attainted, upon this Act, ſhall be deprived by the Ordinary.

A.D.1558.

1 Eliz. Cap. 5.

In an Act, Entituled, *An Act whereby certain Offences be made Treaſon.*

EXP.

III. Provided always, and be it further enacted by the authority aforeſaid, that all and every Eccleſiaſtical perſon, being convicted or attainted in form aforeſaid, for every ſuch his offence ſhall immediately and preſently upon ſuch attainder had, be judged and remain in the law to all intents deprived from all his benefices and promotions Spiritual or Eccleſiaſtical, in ſuch manner and form, that it ſhall be lawful for every patron, founder, or giver thereof, to preſent immediately after ſuch attainder had, ſome one or other to the ſame, as though the ſaid offender or offenders were deceaſed.

Perſons Offending againſt 1 *Eliz.* c. 5. ſhall be immediately judged deprived of all their Promotions.

Degradation, and Deprivation.

1 Jac. 1.

CANONS 1603.

cxxii. *No Sentence of Deprivation or Depoſition to be pronounced againſt a Miniſter, but by the Biſhop.*

A Miniſter being complained of, the Spiritual Judge ſhall expedite the cauſe;

WHEN any Miniſter is complained of in any Eccleſiaſtical Court belonging to any Biſhop of his Province for any Crime, the Chancellor, Commiſſary, Official, or any other having Eccleſiaſtical Juriſdiction to whom it ſhall appertain, ſhall expedite the cauſe by Proceſſes and other proceedings againſt him: and upon contumacy for not appearing, ſhall firſt ſuſpend him, and afterwards, his Contumacy continuing, Excommunicate him. But if he appear and ſubmit himſelf to the Courſe of Law, then the matter being ready for Sentence, and *aa* the merits of his offence exacting, by Law, either *b* Deprivation from his Living, or *bb* Depoſition from the Miniſtry, no ſuch Sentence ſhall be pronounced by any Perſon whoſoever, but only *bbb* by the Biſhop, with the aſſiſtance of his Chancellor, the Dean (if they may conveniently be had) and ſome of the Prebendaries, if the Court be kept near the Cathedral Church, or of the Archdeacon, if

—but if the Sentence be *Deprivation* or *Depoſition*, the Biſhop only ſhall pronounce it.

aa **The merits of his Offence.**] The ſeveral Cauſes of Deprivation, which have been made ſuch by *Statute*-Law, are ſet down at large, partly in this Chapter, and partly in others, according to their ſeveral Natures or Subjects; which will be ſeen at one View in the *Index*, under the Word *Deprivation*. But it may be proper to mention in this place, ſome Crimes, to which Deprivation belongs by the *Common Law*; ſuch eſpecially, as have been allow'd and confirm'd by the Temporal Courts.

1. *Want of Orders*, or the being a meer Layman; to which the Sentence of Deprivation belongs equally by Canon and Common-Law: only, ſay the Common Lawyers, he remains *Incumbent* in Law, and the Benefice full, till he is removed by Sentence of Deprivation; as all the Books affirm.

Hob. 149.

2. *Want of Abilities:* Of which, together with the want of Orders, *Hobart* ſaith as follows; *Tho' a meer Layman, or Man utterly illiterate, is a Parſon* de facto, *and his Inſufficiency muſt receive Examination; yet no Diſpenſation can make him a* lawful *Parſon not ſubject to Deprivation, becauſe it is* malum in ſe.

5 Rep. 58, a.

3. *Want of Age: i. e.* of ſuch Age as the Laws of the Church preſcribed; the want of which, by the ſame Laws, was Deprivation; and not only by them, but alſo by the Laws of the State (or the allowance and determination of the Temporal Courts) antecedent to the Stat. 13 *Eliz. c.* 12.

1 Rolle, 235. &c.

4. *Simony:* Which was all along puniſhable with Deprivation, before the Stat. 31 *Eliz.* according to the known Diſtinction of the Canon Law (which is alſo repeated and allow'd in the Books of Common-Law) concerning a Perſon *Simoniacè promotus* only, and one who is *Simoniacus*; that tho' the firſt is not diſabled to take any other Benefice, yet both firſt and ſecond are diſabled to hold the Benefice *Simoniacally* obtain'd.

5 Rep. 57, b. 58, a.

5 *Ric.* 2. *Hughs* Abr. v. *Deprivation.*

5. *Infidelity* and *Miſcreancy:* Under which Heads may be contained Atheiſm, Hereſie, Schiſm, and the like, which the Laws of the Church have always puniſh'd with *Deprivation*, and (ſuppoſing the Charge to come really under thoſe Names) appear not to have been queſtion'd or diſturb'd by the Temporal Courts, in the infliction of that Cenſure. On the contrary, where a Cardinal was depriv'd in the Court of *Rome* for *Miſcreancy*, and had alſo a Benefice in the Biſhoprick of *Durham*; no queſtion was made, Whether he was not *Deprivable*; but the Reſolution was, That he could not be Deprived of his *Benefice*, but by *Sentence* of the Biſhop; which plainly ſuppos'd him *Deprivable* for ſuch Crime.

6 Rep. 13, b. 1 Cro. 41, 789. Hob. 293.

6. *Incontinence: Ann.* 12 *Eliz.* one *Burton*, Parſon of *Iſbock* in *Leiceſterſhire*, was deprived for Adultery; and *Ann.* 27 *Eliz.* one *Fox* was alſo deprived for the ſame Crime: In neither of which Caſes, the leaſt queſtion ſeems to have been made in the Temporal Court, concerning the *Validity* of the Sentence; but the only Point was, in both, how far the Crime, and Puniſhment of it, were taken off by the Acts of General *Pardon* which follow'd. And as the Conſtitutions of *Otho* and *Othobon* againſt Concubinage, expreſly make the Puniſhment, *Deprivation* ipſo Jure; ſo, where *Lyndwood* ſpeaks of the *Executio Privationis in eos latæ*, he only adds, *licèt* ipſo jure *privati ſint, neceſſaria tamen eſt Sententia* Declaratoria.

Otho. *Licet ad.* Othobon, *Quam Indec.* Lyndw. *De Conſt.* c. *Quia Incontinen.*

7. *Drunkenneſs: Ann.* 8. *Jac.* I. one *Parker* was deprived by the High Commiſſioners for *Drunkenneſs*, and Prohibition was deny'd; and next year, when an Action of Tythes was brought, to draw-on the *Validity* of the Deprivation, the Temporal Court allow'd the Sentence to be good.

1 Brownl. 70. 2 Brownl. 71.

8. *Murder* and *Manſlaughter:* If any Clergyman ſhall be found guilty of theſe (and, we may add, other like *Felonies)* he may, as it ſhould ſeem, be Proceeded againſt for the *Crime itſelf* in order to Deprivation; but at leaſt he may be depriv'd by the Spiritual Court, upon the Sentence given in the Temporal; as hath been already ſhown out of the Books of Common-Law.

V. ſupr. p. 1066.

9. *Perjury:* The Maxim laid down in the Books of Common-Law, is, That what is a ſufficient Cauſe to Deprive a Clerk, is a ſufficient Cauſe to refuſe him at firſt; and, where my Lord *Coke* diſcourſes upon that Head, he cites an ancient Precedent, where the Biſhop ſhew'd for cauſe of Refuſal, that the Preſentee had confeſſed himſelf Perjur'd; and the only difficulty that appears to have been rais'd about it, was, in point of Form, Whether the Biſhop, inſtead of ſaying that *he confeſs'd himſelf Perjur'd*, ought not to have ſaid, that *he was Perjur'd.*

5 Rep. 58, a.

10. *Dilapidation:* My Lord *Coke* ſays, that *Dilapidation of Eccleſiaſtical Palaces, Houſes and Buildings, is a good Cauſe of* Deprivation. But tho' in *Equity*, that Puniſhment may well belong to Dilapidators; yet that it hath ever been inflicted, appears not by any thing that is alledg'd, either out of the Books of Common or Canon Law; which ſpeak only of *Alienations.*

3 Inſt. 204.

Cauſ. 10. q. 2. c. 8.
Cauſ. 12. q. 2. c. 13.

b **Deprivation.**] *Non ad Archidiaconos pertinet deſtitutio Rectorum de jure communi, ſed potiùs ad Epiſcopos.*

bb **Depoſition.**] *Depoſitus dicitur, qui privatus eſt beneficio & officio, licèt non ſolenniter; Degradatus dicitur, qui utroque eſt privatus ſolenniter, inſigniis ſibi ablatis.*

J. de Athon, in Othob. c. *Quam Indecorum.* v. *Faciant.*

J. de Athon. Otho. de Concub. c. *Licet ad.* v. *Suſpenſi.*

V. ſupr. p. 1066.

bbb **By the Biſhop.**] The Rule of the Canon Law, in Degradations, as we have ſeen, was not only by the Biſhop, but alſo *cum certo Epiſcoporum numero definito Canonibus*; which was, *ſix* at the Degradation of a *Presbyter*, and *three* at the Degradation of a *Deacon*; and was the Foundation of that Maxim, *Spiritualia faciliùs* conſtruuntur, *quàm* deſtruuntur; *quia ſolus Epiſcopus dat Ordinem, quem ſolus tollere non poteſt.* And although by the *Reformatio Legum*, the proper Biſhop might Deprive without any other Biſhop, and with aſſiſtance only of two Presbyters; yet was the Proceſs, throughout, to be, not before *Officers* only, as it is here, but before the *Biſhop* himſelf: *Quando cuiquam diripi Dignitas, vel eripi Beneficium Eccleſiaſticum formulâ Deprivationis debet, principio proprius illum Epiſcopus ad ſe ritè evocet; deinde ad reliquum omne negotium pertractandum Epiſcopus adſit, & duos ad ſe doctos & integros Presbyteros aſciſcat; quorum Authoritati & Decreto ſtari placet.*

he

Degradation, and Deprivation.

he may be had conveniently, and two other at the leaſt grave Miniſters and Preachers to be called by the Biſhop, when the Court is kept in other places.

[Note, *That all other Deprivations, by Act of Parliament, are contained in ſuch Statutes as have immediate relation to the Church*; *and being inſerted under their proper heads, will be referred-to in the Index, under the word* Deprivation.]

CAP. X.

DISCHARGES *from Proſecutions in the Spiritual Court, by* PARDONS.

3 Georg. Cap. 19.

In an Act, Entitled, *An Act for the King's moſt gracious, general, and free Pardon.*

Diſcharges from Proſecutions in the Spiritual Court, by Pardons.

And alſo excepted all Contempts in any Eccleſiaſtical Court, in ſuch Cauſes only that have been commenced for matters of Right, and not for Correction.

Contempts, in Cauſes of Correction, pardoned.

Rules of Common-Law *concerning* Diſcharges *from Spiritual Cenſures, by* Pardons.

I. *A Pardon is a Bar to all Suits in the Spiritual Court, that are* **pro Salute Animae** *(or the Reformation of Manners) and not excepted.* This is the Diſtinction which the Books of Common Law make, between Suits *Ex officio*, and Suits *ad inſtantiam Partis*; that the firſt are pardoned, and the ſecond not: And the Foundation they go upon, is, that all Suits *pro ſalute Animæ, tho' proſecuted by a Subject*, are really for the *King*, and may therefore be pardon'd by him. But I hope, they are for *God* too, and, on that account, very fit not to be pardoned, but *proſecuted*, and *puniſhed*; nor can it be thought for the Honour of the Crown, to diſcharge *Adulterers*, *Fornicators*, &c. from the juſt Cenſures of the Church: who therefore were eſpecially *excepted* in General Pardons, from the 18*th* of *Elizabeth* incluſive, till the Reſtoration of K. *Charles* the Second.

5 Rep. 51. a. 3 Inſt. 238.

1 Cro. 684.

When this Matter was under Conſideration, 41 *Eliz.* in *Norwood*'s Caſe, and the Point there, was, Whether the general Pardon ſtaid Suit in Court-Chriſtian for *Defamation*; all the Judges in the Court of *Common-Pleas* (except *Glanvil)* held, that it did not aid in ſuch Caſe: and the Reaſon they gave, was, becauſe it was a Suit *ad inſtantiam Partis*, and not *ex Officio Judicis*. But ſix Years after that, in the Caſe of *Hall*, the ſame Court thought fit to extend the General Pardon to Caſes of *Defamation*, *The laying violent Hands on a Clerk*, and all ſuch Suits whatſoever, which (tho' *ad inſtantiam Partis)* were proſecuted only to inflict Puniſhment upon the Offenders, *pro ſalute Animæ*: an End, one would think, as worthy to be purſued in a Chriſtian Country, and to be freed from *Interruptions* of this Nature, as Cauſes that concern the Body or Eſtate.

5 Inſt. 51. a.

II. *A Pardon* **after Sentence**, *and Coſts taxed, comes too late to aid the Party in point of* **Coſts**. *The Puniſhment* pro ſalute Animæ *(ſaith my* Lord Coke*) may be pardoned by the King, as well before, as after the Suit is begun*; *yet when Sentence is given, and Coſts taxed for the Plaintiff, now, the Party hath a particular* Intereſt *in them, which the King cannot take away, although Day be given for the Payment of them.* Nor, Coſts being *duely* taxed *before* the time of the Pardon, is the Matter altered, tho' *Appeal* is made from the Sentence; becauſe the Party having an Intereſt in the Coſts, which could not be diſcharged in the Pardon, the firſt Sentence, as to Coſts, is not *ſuſpended* by the Appeal. On the contrary, in the Caſe of *Baldry* and *Packard.* 2 *Car.* 1. where in a Cauſe of Defamation, the Plaintiff had Sentence, and ſix Pounds for Coſts, in an inferiour Conſiſtory, and Appeal was made to the Arches, and proceeded in, notwithſtanding a General Pardon intervening: the Court held, that although the Pardon did diſcharge the *Offence*, yet in reſpect of the *Coſts* of the firſt Suit, which were not diſcharged, the *Superior*-Court might well proceed. And further, Whereas in that Caſe the firſt Sentence was *Reverſed* by the Superior Court, and fixteen Pounds aſſeſſed as Coſts to the Appellant; and all this, after the Crime it ſelf was pardoned; the Temporal Court held all to be well, and denied Prohibition, becauſe the *firſt* Coſts, which were the Cauſe and Foundation of the *Second* Coſts, were not taken away by the Pardon.

5 Inſt. 51, a. 3 Cro. 199.

3 Cro. 46.

But if Sentence be given, and Coſts taxed, and then a Pardon comes, relating to Time *before* ſuch taxing; the Pardon takes away the Coſts: unleſs ſuch Coſts were *awarded* before the time which the Pardon ſpecifies; for in that Caſe it was declared in Doctor *Brickenden's* Caſe, *That being* awarded *to the Party* before *the Pardon, although they were* Taxed *afterwards*,

Noy, 91. Latch, 190.

3 Cro. 9. contrà, Noy, 91. 3 Cro. 199.

Diſcharges from Proſecutions in the Spiritual Court, by Pardons.

wards, yet were they not taken away by the Pardon. But if one refuſes to pay Coſts duely awarded and taxed, and for Contempt is excommunicated, and taken upon the Writ *de excommunicato capiendo*, and then comes a General Pardon of all Contempts; though the Coſts are not diſcharged, as having been awarded and taxed *before* the Pardon; yet the Excommunication, and every thing conſequent upon that (as well as the Sentence for the Crime) is diſcharged, as being inflicted for Contempt of the Court; and for payment of the Coſts, the other Party muſt have *new* Proceſs.

III. *The* **Principal** *being pardoned, the* **Acceſſory** *is alſo pardoned, and taken away. i. e.* If the Crime is within the Pardon, and within the Time of the Pardon, the Sentence and Puniſhment for that Crime are immediately taken away, and the Party (as to theſe) reſtored to his former State. And this is not only applied to *Penances* and other Spiritual Cenſures of the ſame kind, as Sentences that are taken off by the Pardon; but alſo to Deprivations of Benefices: and not only to the *preventing* of Deprivations, but even to the making the Party who was actually Deprived, in time of Parliament, to be Incumbent as before, by Judgment in Law; without being driven ſo much as to *Reverſe* the Sentence in the Eccleſiaſtical Court. For the Rule is, That tho' a General Pardon is granted in Parliament, on the *laſt* Day of the Parliament, yet it ſhall relate to the firſt Day of the Seſſion; and therefore, in the three Caſes of † *Fox*, * *Burton* and ‡ *Boſton*; who were actually deprived *in Parliament-time*, for Offences committed *after the beginning of the Parliament*; the Deprivations were cleared, and they adjudged Incumbents again, by Virtue of Pardons which ſucceeded both the Crime, and the Sentence; and this, tho' another was made *Incumbent* of the Church, as it was in the Caſe of *Burton*. Which Judgment, however tender towards the Criminal, ſeems too much to forget the *innocent Perſon* who ſucceeds; and who has not only been at great Charges at his coming in, but, it may be, left another Promotion to take this; or, by having this, loſt Opportunities of being otherwiſe promoted. So that we find Juſtice *Windham* (15 *Car.* 2.) ſpeaking of this as a very *hard* Caſe; and tho' it was not directly before him, yet he goes ſo far as to declare, that *without doubt* it was not Law, that the Sentence ſhould be annulled, and the Criminal reſtored by Judgment of Law, and no *other* Act.

† 1 Cro. 41.
* 6 Rep. 13, a.
‡ Latch, 22.

Siderf. p. 164.

In *Boſton*'s Caſe beforementioned, it was ſaid by the Court, that altho' a *General Pardon* relates to the firſt Day of the Seſſion, as being the King's Act of Grace, and ſo interpreted to the Advantage of the Subject; yet a *Special Pardon* of a particular Crime, being at the Suit of the Party, and ſo to be interpreted to the Advantage of the King, ſhall only relate to the time of the *Date*, and ſealing of ſuch Pardon.

Ibid.

IV. *A Pardon cannot* **reſtore** *any Perſon to a Benefice, which is become void by* **Act** *of* **Parliament**. Thus it was adjudged in the King's Bench, 41 *Eliz.* in the Caſe of *Baker* and *Robinſon*, where the Diſability was, *the not reading the Articles*; and it was pleaded, that it was taken away by the Act of Pardon. But the Court held, that the Church being once void for not reading the Articles, the Party could not be reſtored; inaſmuch as the Loſs of the Benefice was the Puniſhment aſſigned by the Act. The like was held the very ſame Year, in the Caſe of *Simony*; *viz.* that tho' a Pardon doth diſcharge the Puniſhment both upon Patron and Clerk, ſo as the Forfeiture of the double Value of the Benefice is not recoverable; yet it cannot *ſettle* the Clerk in that Benefice, by reaſon of the Act. The like alſo is the Caſe of Voidance by *Ceſſion* upon the Statute of Pluralities; for though the laſt Incumbent keeps Poſſeſſion of the Firſt Benefice, till it is lapſed to the King, and then a Pardon comes; yet this doth not inure to the continuing, or rather, *reinſtating* him in the Benefice, becauſe by the Statute it was *abſolutely* void, and not *voidable* only; in which laſt Caſe it is otherwiſe.

1 Cro. 680.

1 Cro. 686.

3 Cro. 356, 357.
Jones (W.) 338, 339.

CAP. XI.

Reſtoration of Miniſters DEPRIVED *in the* ILL-TIMES.

12 Car. II. Cap. 17.

A.D 1660.

An Act for Confirming and Reſtoring of Miniſters.

Reſtoration of Miniſters Deprived in the Ill-Times.

For the Peace of the Church and Kingdom,

Enacted, that,

— Every Miniſter, who hath been preſented to any Benefice ſince the year 1642,

— (ſuch Benefice being then void,)

FOraſmuch as the confirming of ſome Eccleſiaſtical perſons and Miniſters in poſſeſſion, and reſtoring of others who have been ſequeſtered or ejected, and are fit to be reſtored in and to their ſeveral Eccleſiaſtical Benefices, Livings, and Promotions, without force or ſuit of Law, will much conduce to the peace and welfare of this Church and Kingdom; Be it enacted by the Kings moſt excellent Majeſty, with the advice and conſent of the Lords and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That every Eccleſiaſtical perſon or Miniſter being Ordained by any Eccleſiaſtical perſons before the five and twentieth day of December laſt paſt, being of the age of four and twenty years, and having not renounced his Ordination, who hath been formerly, ſince the firſt day of January, in the year of our Lord One thouſand ſix hundred forty two, preſented, nominated to, or placed in, and in actual poſſeſſion, and taken the profits of any Eccleſiaſtical Benefice, Rectory, Parſonage, Vicarage, Church, Chappel, Cure, or other Eccleſiaſtical Promotion with Cure of Souls, within this Realm of England, Dominion of Wales, or Town of Berwick upon Tweed, which hath been become void, either by death, voluntary reſignation, or ſurrender, or other avoidance, to the Patron, or any other

Reſtoration of Miniſters deprived in the Ill-Times.

other perſon pretending to have title to accept of reſignations, ſince the ſaid firſt day of January, and before the ſaid five and twentieth day of December laſt paſt; and was on the ſaid five and twentieth day of December in poſſeſſion, and received the profits thereof, being in the gift, donation, preſentation, collation or nomination of the Kings Majeſty that now is, or of his late Royal Father King Charles the Firſt, in right of the Crown, or by reaſon of Wardſhip or any other title, or of any Archbiſhop, Biſhop, Dean, Dean and Chapter, Prebend, Archdeacon, Body politick or corporate, or of any other perſon or perſons whatſoever, other than ſuch as are hereby reſtored: ſhall be, and is hereby declared, adjudged, and enacted to have been, be, and continue the real and lawful Incumbent, Parſon, Rector, Vicar and Poſſeſſor of the ſaid Eccleſiaſtical Benefices, Livings and Promotions reſpectively, to all intents and purpoſes whatſoever, as if he or they had been nominated, preſented, collated, admitted, inſtituted and inducted thereunto, or placed therein in due form of Law, and had read and ſubſcribed the Articles according to the Statute in that caſe made and provided, and notwithſtanding any other matter or thing by him or them done or omitted to be done; And that as well againſt the Kings Majeſty, and againſt his Heirs and Succeſſors, as againſt all and every other perſon and perſons, Bodies politick and corporate whatſoever, and their reſpective Succeſſors, Heirs, Executors, Adminiſtrators and Aſſigns; Saving to the Patrons and every of them, their juſt right of patronage, donation, preſentation, collation or nomination, upon the next avoidance of every ſuch Eccleſiaſtical perſon, Miniſter, or Incumbent thereby confirmed as is aforeſaid, in as full and ample manner as if this Act had not been made.

—and was in poſſeſſion the 25*th* of *December* laſt,

—ſhall be adjudged the Lawful Incumbent, as if he had come into poſſeſſion in due form of Law.

II. And be it enacted by the authority aforeſaid, that every voluntary ſurrender or reſignation made by any Incumbent to the Patron of any Benefice, or to any late pretended Powers ſince the ſaid firſt day of January, of an Eccleſiaſtical benefice or promotion, ſhall be adjudged as an effectual avoidance of ſuch benefice or promotion, as if the ſame had been made to the competent Ordinary, and accepted by him.

Reſignations ſince 1642. ſhall be as good, as if made to the Ordinary, and accepted.

III. And be it further enacted, That no preſentation, collation, or diſpoſition aforeſaid, nor confirmation by this Act, of any Parſon or Miniſter, in or to any Eccleſiaſtical Benefices, Livings or Promotions aforeſaid, ſhall be conſtrued or adjudged to amount to any uſurpation in Law, to the prejudice of any perſon or perſons, Bodies politick or corporate, who have or ſhall have right to preſent thereunto upon the ſaid avoidance.

No Preſentation, &c. as aforeſaid, ſhall be an Uſurpation in Law.

IV. And be it further enacted, That every Eccleſiaſtical perſon or Miniſter, formerly ſequeſtred or ejected, diſpoſſeſt and kept out after lawful preſentation and perception of the profits of any of the ſaid Eccleſiaſtical benefices, livings or promotions, which hath not ſubſcribed any petition to bring the late King Charles of bleſſed memory to Trial, or which hath not by writing, preaching, printing, or any other open Act procured, endeavoured, or juſtified the murther of the ſaid late King; or which hath not by preaching, printing, writing, or conſtant refuſal to Baptize, declared his Judgment to be againſt Infant-Baptiſm; ſhall be reſtored to the ſame, and to the poſſeſſion thereof, at or before the five and twentieth day of December next enſuing. And that every Eccleſiaſtical perſon aforeſaid, who ſhall be removed, ſhall or may enjoy the tythes, profits, duties, glebes and houſes thereunto belonging, until the ſaid Five and twentieth day of December next enſuing, and ſhall then, upon ſuch removal, peaceably leave or yield up the poſſeſſion thereof, and ſhall alſo give his penal bond to the Parſon or Miniſter ſo to be reſtored, to render to him, his Executors, Adminiſtrators and Aſſigns, the full moiety of the clear profits and tythes, or the value thereof (to be aſcertained by the Commiſſioners hereafter appointed, under their hands) from Michaelmas laſt paſt to Michaelmas next enſuing: (all taxes and other requiſite charges and expences firſt deducted and allowed, before the removal of the Goods of the Parſon or Miniſter ſo to be removed, or the tythes or other profits from the ſame,) at or upon the ſaid five and twentieth day of December; and the ſaid Parſon or Miniſter ſo to be removed, upon his quitting the poſſeſſion at the time aforeſaid, ſhall be, and is hereby abſolutely diſcharged and acquitted from all tythes and profits received, and all and every arrears thereof, other than the moiety of the profits and tythes ſecured by bonds aforeſaid, before and until the ſaid Feaſt of Saint Michael next enſuing, againſt the Parſon or Miniſter ſo reſtored, his Executors, Adminiſtrators and Aſſigns, and againſt all other perſon or perſons whatſoever.

Any Miniſter, formerly ejected, and not having declared for the K's Murther, nor againſt Infant-Baptiſm,

—ſhall be reſtored, at or before *Dec.* 25.

—till which time, the perſon to be removed, may enjoy the Benefice,

—allowing the perſon reſtored, one half of the year's Profits.

V. Provided always, That every Miniſter, not ſcandalous, ignorant, or inſufficient as aforeſaid, being provided as aforeſaid, heretofore ſequeſtred or ejected out of two or more Eccleſiaſtical benefices or livings with cure of Souls, ſhall be reſtored to one of them, and no more, at his election; except where he hath formerly reſigned or ſurrendred any of the ſaid benefices or livings, and thereupon the right patron, or any other in his right, hath preſented, collated, nominated, placed, or put into the ſame any other Incumbent or Miniſter as aforeſaid, in which caſe the ſaid ſequeſtred or ejected Miniſter ſhall not be reſtored to ſuch benefice or living ſo reſigned or ſurrendred as aforeſaid.

A Miniſter, who was ejected out of two Livings, may be reſtored but to one,

—and that only in caſe he did not Reſign, and another is not Preſented.

VI. Provided alſo by the authority aforeſaid, That every Miniſter, who by virtue of this Act is confirmed in any Eccleſiaſtical benefice or living, with cure of Souls, which ſhall have more than one Eccleſiaſtical benefice or living with cure of Souls, ſhall hold and enjoy only one of them, and no more, at his election; except where he hath formerly reſigned or ſurrendred any of the ſaid benefices or livings, and thereupon the right patron, or any other in his right, hath preſented, collated, nominated, placed, or put into the ſame any other Incumbent or Miniſter as aforeſaid; in which caſe the Miniſter ſo to be confirmed ſhall and may retain and keep the benefice or living which he hath not ſo reſigned or ſurrendred as aforeſaid.

Every Miniſter, confirmed in any Benefice, and having more than one, ſhall hold but one; with the exception aforeſaid.

VII. And be it likewiſe enacted, That where the Parſon or Miniſter formerly ſequeſtred or ejected, ſhall declare his conſent in writing before the Commiſſioners appointed by this Act, That the preſent poſſeſſor, being not ſcandalous, ignorant, or inſufficient, ſhall be and continue in ſuch ſequeſtred benefice, living or promotion, That in ſuch caſe the preſent poſſeſſor ſhall be hereby ſettled and confirmed therein, as the ſole and rightful Incumbent and poſſeſſor thereof, to all intents and purpoſes, any former Statute or Law to the contrary notwithſtanding: And that every Parſon or Miniſter who ſhall be removed by this Act, ſhall pay all tenths not par-

The Ejected Miniſter conſenting, the preſent Poſſeſſor ſhall continue.

The Miniſter to be removed, ſhall pay all Tenths, Dilapidations, and Taxes in arrears;

doned, and repair, or make ſatisfaction, for all wilful or negligent Dilapidations made or ſuffered by him, of, in or upon the premiſſes, or any of them, ſince the twenty ninth of September laſt; and ſhall likewiſe pay or ſatisfie all Fifths, or any other ſum in lieu of Fifths, which were in arrear or unpaid at the Feaſt of Saint Michael the Archangel laſt paſt, due or payable by him, by any Order or Orders not reverſed of any Committees or Commiſſioners formerly appointed and authorized by any pretended authority or authorities whatſoever, to grant or ſet out the ſame, or otherwiſe pay or ſatisfie all Arrears then due of any ſum or ſums of Money payable by agreement of the parties, and not ſince quitted by like agreement, the ſame to be aſcertained by the ſaid Commiſſioners: For payment whereof, the Miniſter ſo to be removed, before his removal ſhall alſo give his penal Bond or Bonds unto the Miniſter to be reſtored, to pay the ſame before the five and twentieth of December next; and if he ſhall refuſe to give ſuch a Bond or Bonds as aforeſaid, for the payment thereof, that then the Miniſter ſo to be reſtored, ſhall be, and is hereby enabled to bring an Action of Debt at the Common Law for the ſaid Arrears, and ſhall recover over and above the ſaid Debt the full value in Damages, beſides Coſts of Suit.

—and ſhall give Bond, to pay them to the Miniſter reſtored.

The Miniſter now in poſſeſſion, ſhall pay all arrears of Fifths, to the Perſon formerly Ejected.

VIII. And it is further enacted by the authority aforeſaid, That every Eccleſiaſtical perſon or Miniſter now in poſſeſſion of any Eccleſiaſtical benefice, living or promotion, which ſhall continue and be ſettled therein by vertue of this Act, ſhall pay all ſuch arrears of Fifths, or other ſums of money in lieu thereof, due or payable by him by any ſuch order or Orders or agreement as aforeſaid: Or to Mr. Honywood Parſon of Kegworth in Liceſterſhire, who hath been beyond the Sea ſince the firſt day of January, one thouſand ſix hundred forty two, who hath heretofore had no order nor agreement for his Fifths as have accrued due or payable out of ſuch Eccleſiaſtical benefice, living or promotion, during ſuch time as he hath been poſſeſſed thereof, to ſuch Parſon or Miniſter as hath been formerly ejected or ſequeſtred out of the ſame.

All Fifths, due to Ejected Miniſters, and in arrears, ſhall be paid,

IX. And whereas divers Fifths or ſums of money in lieu thereof, are in arrear, and unpaid by ſuch as have been formerly poſſeſſed of ſequeſtred livings, It is further enacted by authority aforeſaid, That every Eccleſiaſtical perſon or Miniſter now living, or the executors or adminiſtrators of every Eccleſiaſtical perſon or Miniſter deceaſed, to whom any Fifths or ſums of money in lieu thereof, are or were due or payable by any ſuch order and agreement; or to the ſaid Mr. Honywood as aforeſaid, and are yet in arrear; ſhall have the ſaid Fifths or ſums of mony in arrear as aforeſaid, paid unto them reſpectively: And they are hereby reſpectively enabled to recover the ſame by Action of Debt at the Common-Law, to be brought againſt every ſuch Perſon or Miniſter who ought to have paid the ſame by virtue of any ſuch order or agreement, or to the ſaid Mr. Honywood as aforeſaid, during the reſpective poſſeſſion of ſuch Eccleſiaſtical benefice, living or promotion, of or for which the ſaid Fifths, or ſums of money in lieu thereof, were, or ought to have been or to be paid: in all which actions, no eſſoin, wager of law, or protection ſhall be allowed: And that no perſon to whom Fifths hath been formerly paid, ſhall be hereafter queſtioned for the ſame.

—or recovered by Law.

The Perſon removed out of, or Confirmed in, any Benefice, ſhall have Arrears of Tythes, &c.

X. And be it alſo enacted, That every ſuch Eccleſiaſtical perſon or Miniſter that is or ſhall be by vertue of this Act removed out of, or confirmed in any ſuch benefice, living or promotion which now is, or hath been poſſeſſed as aforeſaid, his or their executors, adminiſtrators and aſſigns; ſhall be, and is reſpectively enabled to have, hold and enjoy all the mean profits already received, and to receive, recover, collect, or compound for, and enjoy all and every the arrears of tythes, profits or duties thereunto belonging, or which ſhall belong thereunto, incurred during ſuch time as he was ſo poſſeſſor thereof, and before or until the Feaſt of St. Michael the Archangel now next enſuing, and to ſue for the ſame in any Court of Common-Law or equity, as if he or they had been and were the true and lawful Incumbent or Poſſeſſor of ſuch aforeſaid eccleſiaſtical benefice, living or promotion.

—and ſue for the ſame, as if he had been, and were, the lawful Incumbent.

Any Miniſter (hereby reſtored) having declared for the King's Murder, or againſt Infant-Baptiſm, ſhall not be taken to be Lawful Incumbent,

XI. Provided alſo, and be it enacted by the authority aforeſaid, That if any Miniſter or other ſuch eccleſiaſtical perſon as aforeſaid, having any eccleſiaſtical benefice or living with cure of Souls, who is before, in and by this Act, declared, adjudged and enacted to continue the real and lawful Incumbent thereof, which hath petitioned to bring the late King Charles of bleſſed memory to Trial, or which hath by writing, preaching, printing, or any other open Act, procured, endeavoured or juſtified the Murther of the late King, or which hath by preaching, printing, writing, or conſtant refuſal to Baptize, declared his judgment againſt Infant baptiſm; that then ſuch Miniſter or other eccleſiaſtical perſon ſhall not remain, continue, and be, or be taken to be the real and lawful Incumbent of the eccleſiaſtical benefice or living, but the ſame ſhall become and is hereby declared to be void to all intents and purpoſes, as if the ſaid Miniſter or other eccleſiaſtical perſon were dead; and that the patron who hath the next and immediate right to preſent unto the ſame, ſhall and may preſent unto the ſaid eccleſiaſtical benefice or living, as in caſe of vacancy or avoidance by death of the Incumbent; Any thing in this Act contained to the contrary thereof notwithſtanding.

—but the Benefice ſhall be void.

Five or more of the next neighbouring Juſtices ſhall be Commiſſioners, to execute this Act,

XII. And it is further enacted, That the perſons in Commiſſion of the Peace in the ſeveral Counties of this Realm, the Dominion of Wales, and the Town of Berwick upon Tweed, on the firſt day of September, One thouſand ſix hundred and ſixty, within their reſpective counties, limits or precincts, or any five or more of them living or dwelling next to the Church or Living to which any ſuch Parſon or Miniſter is to be reſtored, or from which any ſuch Parſon or Miniſter is to be removed, and who are no ways Intereſted as patrons or parties in the patronage or tythes of the ſaid Church or Living, or any part thereof; ſhall be, and are hereby conſtituted, appointed and authorized to be Commiſſioners to execute all and ſingular the powers and authorities hereby granted, within their reſpective counties and precincts, for and concerning the removing and reſtoring of ſuch Parſons and Miniſters as aforeſaid, and all other the premiſſes, and finally to determine all differences touching the ſame, until the five and twentieth of December next; And that all the Suits and Actions in law or equity, and all proceedings and verdict thereupon had, or to be had, for, touching or concerning the premiſſes, or any of them, ſhall be, and are hereby ſtayed, barred, annulled and voided.

—and finally to determin all differences.

Reſtoration of Miniſters, Deprived in the Ill-Times.

All Leaſes of Lands belonging to Benefices, ſhall be good.

XIII. Provided always, and be it enacted, That all grants and Leaſes made for a valuable conſideration paid or given, of any Copy-hold or Free-hold Lands belonging to any ſequeſtred Living or Rectory (except the glebe and tythes) for three lives, or twenty one years, according to the former uſage, wherein the antient Rent is reſerved, made by any Miniſter or Eccleſiaſtical perſon poſſeſſed of the ſaid Rectory or Living, by any real or pretended authority, before the five and twentieth day of December, One thouſand ſix hundred fifty nine, ſhall continue as good and effectual in Law to all intents againſt the ejected and ſequeſtred Incumbent to be reſtored, and all others, as if they had been made by the proper Incumbent.

The rightful Patron having preſented his Clerk to the Commiſſioners during the times, and he being refuſed, —ſuch Clerk ſhall be perfect Incumbent.

XIV. Provided always, and be it further enacted, That if any rightful patron hath heretofore preſented his Clerk to any benefice with cure of Souls, being then void, unto thoſe perſons who were ſtiled Commiſſioners for approbation of publick Preachers ſitting at Whitehall, or the Committee for plundred Miniſters, who ſat in the year One thouſand ſix hundred fifty nine, and the ſame Clerk ſo preſented, was refuſed to be admitted without any lawful cauſe, That then ſuch Clerk ſhall be taken, and is hereby enacted to be the lawful Incumbent of ſuch benefice, to all intents and purpoſes, any thing in this Act to the contrary notwithſtanding; Unleſs ſuch patron have ſince preſented another Clerk to ſuch benefice who now is poſſeſſed thereof, or unleſs ſuch Clerk, ſo preſented and refuſed as aforeſaid, be ſince preſented to, and ſettled in ſome other benefice.

This Act ſhall not reſtore Perſons who have reſigned.

XV. Provided that this Act, nor any thing herein contained, ſhall not extend or be conſtrued to confirm or continue any perſon in any benefice or Eccleſiaſtical living or preferment, which hath ſince the ſaid five and twentieth day of December laſt, voluntarily yielded up and left the poſſeſſion of the ſaid benefice or Eccleſiaſtical living or preferment, and is ſtill out of poſſeſſion thereof, or which by any Writing executed under his hand and ſeal, hath agreed to yield up and leave the poſſeſſion thereof.

—nor oblige any to pay Fifths, acquitted by Agreement.

XVI. Provided alſo, and it is hereby declared, That where there hath been any agreement between the perſons ſo concerned in this Act for the acquittal of the Miniſter who ought to have paid Fifths of and from the ſame, or any part thereof, That in ſuch caſe, no Fifths, or ſatiſfaction for fifths, ſhall be claimed or paid contrary to the ſaid agreement.

Perſons who have paid Tythes &c, to the then poſſeſſor, ſhall be diſcharged.

XVII. Provided always, and be it enacted, That all and every perſon and perſons who have paid or ſatisfied, by Compoſition or otherwiſe, any tythes, penſions, oblations, obventions, Rents, or other eccleſiaſtical duties belonging to any Rectory, Vicarage or other eccleſiaſtical benefice or promotion, to any perſon or perſons being in poſſeſſion, or receiving the profits thereof, by colour or pretence of any authority, or to their aſſigns, or any others claiming from, by, or under them, ſhall be, and are hereby diſcharged of, and from the ſame tythes, penſions, oblations, obventions, rents, and other eccleſiaſtical duties, againſt all and every perſon and perſons whatſoever.

Proviſo, for *Ewelme* to be reſtored to the *Regius Profeſſor* of *Oxon.*

XVIII. Provided always, That neither this Act, nor any thing therein contained, ſhall extend to confirm or eſtabliſh the poſſeſſion of the Rectory of Ewelme, in the County of Oxon. with Thomas Cole, or any other perſon or perſons, who have lately by vertue of any pretended Title entered into the ſame; but that the ſaid Rectory be reſtored to Robert Saunderſon Doctor in Divinity, and Regius Profeſſor in the Univerſity of Oxon, to be enjoyed by him and his Succeſſors, according to a Grant made thereof by the late King James unto the Regius Profeſſor of Divinity for the time being, and his Succeſſors for ever.

—and *Somerſham,* to the *Regius Profeſſor* of *Cambridge.*

XIX. Provided alſo, That nothing therein contained, ſhall confirm or eſtabliſh the poſſeſſion of the Rectory of Somerſham in the County of Huntington, with any perſon, who hath by vertue of any pretended Title entred into the ſame; but that the ſaid Rectory be reſtored to Doctor Anthony Tuckney, the preſent Regius Profeſſor of Divinity in the Univerſity of Cambridge, to be enjoyed by him and his Succeſſors, according to a former Grant thereof made unto the Regius Profeſſor of Divinity for the time being, and his Succeſſors for ever; Any thing herein contained to the contrary notwithſtanding.

None ſhall be reſtored by this Act, who refuſe the Oaths of Allegiance and Supremacy.

XX. Provided alſo, That this Act, or any thing therein contained, ſhall not extend to confirm or reſtore any Eccleſiaſtical perſon or Miniſter, in or to any benefice, living, or eccleſiaſtical promotion, that ſhall refuſe to take the Oaths of Allegiance and Supremacy, being tendred unto ſuch Eccleſiaſtical perſon or Miniſter by the ſaid Commiſſioners, or any three of them, which ſaid Commiſſioners, and every three of them, are hereby enabled and enjoyned to adminiſter the Oaths accordingly.

No Perſons preſented by the King ſince *May 1ſt.* 1660 ſhall be prejudiced by this Act;

XXI. Provided always, and be it enacted, That this Act, or any thing herein contained, ſhall not prejudice the Title of any perſon or perſons to any Eccleſiaſtical living, benefice or promotion with Cure of Souls in this Act mentioned, who have been, and ſhall be preſented to ſuch benefice or promotion by his Majeſty under the great Seal of England, between the firſt day of May, in the year of our Lord One thouſand ſix hundred and ſixty, and the ninth of September in the ſame year; but that ſuch Preſentees ſo preſented by his Majeſty as aforeſaid, ſhall and may, from and after the ſaid nine and twentieth day of September, enjoy the ſame benefices and promotions reſpectively, as if this Act had not been made.

—but they ſhall not charge the Poſſeſſors with any Profits received.

XXII. Nevertheleſs, it is declared and enacted, That ſuch perſons as upon the Twenty fifth day of December, One thouſand ſix hundred fifty nine, were the poſſeſſors of ſuch benefices or promotions, ſhall not be charged by ſuch Preſentees of his Majeſty, with or for any profits by them or any of them received before the ſaid Twenty ninth day of September, but ſhall hold and enjoy the profits of ſuch benefices and promotions reſpectively, until the ſaid Twenty ninth day of September.

Kidlington ſhall remain to the Rector of *Exeter College*;

XXIII. Provided alſo, That this Act, or any thing herein contained, ſhall not extend to confirm any perſon in the Vicarage of Kidlington in the County of Oxford; but that the ſaid Vicarage ſhall remain as formerly, annexed to the Rectorſhip of Exeter College in Oxford; Any thing in this Act to the contrary notwithſtanding.

—*Garſington,* to the Preſident of *Trinity*;

XXIV. Provided alſo, That this Act or any thing herein contained, ſhall not extend to confirm any perſon in the Rectory of Garſington in the County of Oxford; but that the ſaid Rectory

Reſtoration of Miniſters, Deprived in the ill-times.

ſhall remain as formerly annexed to the Preſidentſhip of Trinity College in Oxford; any thing in this Act to the contrary notwithſtanding.

—*Caſtor*, to the Biſhop of *Peterborough*;

XXV. Provided alſo, That this Act, or any thing herein contained, ſhall not extend to confirm any perſon in the Rectory of Caſtor, in the County of Northampton, but that the ſaid Rectory ſhall remain as formerly, annexed to the Biſhoprick of Peterborough; any thing in this Act to the contrary notwithſtanding.

—*Cudſden* to the Biſhop of *Oxon.*

XXVI. Provided alſo that this Act, or any thing therein contained, ſhall not extend to confirm any perſon in the Vicarage of Cudſden in the County of Oxford, but that the ſaid Vicarage ſhall remain as formerly, annexed to the Biſhoprick of Oxford; any thing in this Act to the contrary notwithſtanding.

None ſhall be ſettled in a Living, by this Act, who have printed or preached againſt the King's Title.

XXVII. Provided always, That this Act, nor any thing herein contained ſhall extend to the confirming or ſettling any perſon in a living, that hath maliciouſly printed any Treatiſe, or preached, againſt his Majeſty that now is, his Right or Succeſſion to the Crowns of theſe Realms: ſo as the ſame be proved by the Oaths of two credible Witneſſes before the Commiſſioners appointed by this Act (who have hereby power to adminiſter the ſame) and ſo adjudged by the ſaid Commiſſioners, before the Five and twentieth day of December, One thouſand ſix hundred and ſixty.

If any Miniſter refuſe poſſeſſion, it ſhall be given by the Sheriff.

XXVIII. Provided alſo, That if any Miniſter who ſhall by this Act be adjudged to be removed, ſhall not give up the poſſeſſion according to the Order of the ſaid Commiſſioners, then the ſaid Commiſſioners, or any five of them, ſhall grant their Warrant to the Sheriff of the County, to put ſuch perſon adjudged to be reſtored, into poſſeſſion, according to the true intent and meaning of this Act; which ſaid Sheriff ſhall execute the ſame accordingly; and in default of ſuch Warrant, the Sheriff of the County for the time being, ſhall be, and is hereby enabled and required to give poſſeſſion accordingly.

None who appear'd in arms againſt the King's Reſtoration, ſhall be confirmed by this Act;

XXIX. Provided, That this Act ſhall not extend to be conſtrued to confirm any Eccleſiaſtical perſon that did appear in arms, and march in a Troop, in oppoſition to the intended reſtoring of his Majeſty and a free Parliament, ſince the firſt day of Auguſt, in the year of our Lord, One thouſand ſix hundred fifty and nine, ſo as the ſame be proved by the Oaths of two credible Witneſſes, before the Commiſſioners appointed by this Act (who have hereby power to adminiſter the ſame) and ſo adjudged by the ſaid Commiſſioners, before the five and twentieth day of December, One thouſand ſix hundred and ſixty.

—nor ſhall it extend to confirm any perſon, in *Acton*-Rectory.

XXX. Provided alſo, That this Act, or any thing therein contained, ſhall not extend to confirm any perſon in the Rectory of Acton, in the County of Middleſex, which Rectory his Majeſty, before the ſix and twentieth day of Auguſt, hath granted under his Sign Manual to one of his Chaplains.

If Peers ſhall preſent to their Benefices within 6 Calendar Months,

—their Clerks ſhall be admitted,

—as if preſented in ſix Months after the Avoidance;

XXXI. And laſtly, it is declared and enacted by the authority aforeſaid, That all and every the Peers of this Realm according to their ſeveral and reſpective Titles and Intereſts, may at any time or times within the ſpace of ſix Kalendar months from the Firſt day of September, in this preſent year, One thouſand ſix hundred and ſixty, preſent and nominate their reſpective Clerk or Clerks unto any Eccleſiaſtical benefices, livings or promotions, of their reſpective patronages, or whereunto they had right and title to preſent and nominate at any time ſince the firſt day of January, One thouſand ſix hundred forty two; And that the ſaid preſentees ſhall be thereunto admitted, inſtituted and inducted, and after, have and enjoy, and ſue for, and recover the poſſeſſion, and from thence take the whole and entire profits of the ſaid benefices, livings and promotions, and ſhall be accounted, and ſhall be full and perfect Incumbents of the ſame, to all intents and purpoſes, as fully and amply, as if they had been preſented and placed therein within ſix months next after the firſt Avoidances, notwithſtanding any Lapſe or other Title by reaſon of Lapſe, incurred or devolved to his late Majeſty or to the King's Majeſty that now is, or to any other perſon or perſons, Bodies politick or corporate; Any thing in this preſent Act, or otherwiſe, to the contrary hereof in any wiſe notwithſtanding.

—except ſuch as have been preſented to by the King, before *September* the ninth, 1660.

XXXII. Provided, That ſuch preſentees as have been, or ſhall be, preſented by his Majeſty as aforeſaid, before the ſaid ninth day of September, in this preſent year, One thouſand ſix hundred and ſixty, by Title of Lapſe, or otherwiſe, as aforeſaid, ſhall or may enjoy the ſame benefices and promotions reſpectively; the laſt mentioned Clauſe, or any other thing in this Act contained to the contrary notwithſtanding.

CAP. XII.

Reſtraints upon Spiritual Courts, from inflicting TEMPORAL PUNISHMENTS.

16 Car. 1. Cap. 11.

A.D. 1640.

In an Act, Entituled, *The Repeal of the Branch of a Statute* 1° Eliz. *concerning Commiſſioners for Cauſes Eccleſiaſtical.*

No Eccleſiaſtical Judge ſhall inflict Temporal Penalties,

IV. AND be it alſo enacted by the authority aforeſaid, that no Archbiſhop, Biſhop, nor Vicar General, nor any Chancellor, Official, nor Commiſſary of any

Reſtraints upon Spiritual Courts, from inflicting Temporal Puniſhments.

any Archbiſhop, Biſhop or Vicar General, nor any Ordinary whatſoever, nor any other Spiritual or Eccleſiaſtical Judge, Officer, nor Miniſter of Juſtice, or any other perſon or perſons whatſoever, exerciſing Spiritual or Eccleſiaſtical Power, Authority or Jurisdiction, by any Grant, Licence or Commiſſion of the Kings Majeſty, his Heirs, or Succeſſors, or by any power or authority derived from the King, his heirs or ſucceſſors, or otherwiſe, ſhall, from and after the firſt day of Auguſt, which ſhall be in the year of our Lord God one thouſand ſix hundred forty and one, award, impoſe, or inflict any Pain, Penalty, c Fine, Amerciament, Impriſonment, or other Corporal Puniſhment, upon any of the Kings Subjects, for any Contempt, Misdemeanour, Crime, Offence, matter or thing whatſoever, belonging to Eccleſiaſtical Cogniſance, or Jurisdiction: —— upon pain and penalty, that every perſon, who ſhall offend contrary to this Statute, ſhall forfeit and pay treble Damages to every perſon thereby grieved, and the ſum of one hundred pounds to him or them who ſhall firſt demand and ſue for the ſame: which ſaid treble Damages, and ſum of one hundred pounds, ſhall and may be demanded and recovered by Action of Debt, Bill or Plaint, in any Court of Record, wherein no Privilege, Eſſoin, Protection, or Wager of Law ſhall be admitted or allowed to the Defendant. And be it further enacted, That every perſon who ſhall be once convicted of any act or offence prohibited by this Statute, ſhall for ſuch act or offence be, from and after ſuch conviction, utterly diſabled to be or continue in any office, or imployment, in any Court of Juſtice whatſoever: or to exerciſe or execute any power, authority, or jurisdiction, by force of any Commiſſion, or Letters Patents of the King, his heirs, or ſucceſſors.

— upon pain to forfeit treble damages, and 100 *l.*

— and, after Conviction, to be diſabled to execute Juſtice in any Court.

Vid. p. 44, 50.

c **Fine — Impriſonment.**] This hath a particular Eye to the Proceedings of the High Commiſſioners; which had been declared *illegal* in theſe reſpects, by the Courts of Common-Law, many Years *before* the making of this Act.

TIT. XLVII.

Spiritual CRIMES and VICES, Reſtrained by Temporal PUNISHMENTS.

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† The Laws againſt profaning the **Lord's day**, are before, in pag. 236, &c.

CAP. I.

BLASPHEMY, *and* PROFANENESS.

3 Jac. I. Cap. 21.

A.D. 1605.

An Act to reſtrain the abuſes of Players.

To prevent the abuſe of the name of God, in Plays, Enacted, that,

Blaſphemy, and Profaneneſs.

FOR the preventing and avoiding of the great abuſe of the holy Name of God, in [a] Stage-playes, Enterludes, May-games, Shews, and ſuch like, Be it enacted by our Sovereign Lord the Kings Majeſty, and by the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if at any time or times after the end of this preſent Seſſion of Parliament, any perſon or perſons do or ſhall in any Stage-play, Enterlude, Shew, May-game or Pageant, jeſtingly or prophanely ſpeak, or uſe the holy Name of God, or of Chriſt Jeſus, or of the holy Ghoſt, or of the Trinity, which are not to be ſpoken but with fear and reverence, ſhall forfeit for every ſuch offence by him or them committed, ten pounds: The one moiety thereof to the Kings Majeſty, his Heirs and Succeſſors, the other moiety thereof to him or them that will ſue for the ſame in any Court of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law ſhall be allowed.

—any Player, *&c.* profanely uſing the name of *God, Chriſt Jeſus*, the *Holy Ghoſt*, or *Trinity*, —ſhall forfeit —10 *l.*

[a] **Stage Plays.**] The reforming of theſe, was heretofore under debate in Convocation, as appears by a ſhort Entry in the Extracts of 1541, *Ibidem Epiſcopi conſultârunt de publicis* Comædiis *diſſolutis corrigendis.*

9, 10 Will. III. Cap. 32.

A.D. 1697.

An Act for the more effectual Suppreſſing of Blaſphemy and Profaneneſs.

Many blaſphemous Opinions, having been of late publiſhed,

WHereas many Perſons have of late Years openly avowed and publiſhed, many blaſphemous and impious Opinions, contrary to the Doctrines and Principles of the Chriſtian Religion, greatly tending to the Diſhonour of Almighty God, and may prove deſtructive to the Peace and Welfare of this kingdom: Wherefore for the more effectual ſuppreſſing of the ſaid deteſtable Crimes, Be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and

Enacted, that,

Blaſphemy and Profaneneſs.

—any perſon denying the Trinity, —or aſſerting more Gods than one,

—or denying the Chriſtian Religion, —or denying the divine Authority of Scripture,

—ſhall be incapable to enjoy any office in Church or State.

and by the Authority of the ſame, That if any Perſon or Perſons, having been educated in, or at any time having made profeſſion of, the Chriſtian Religion within this Realm, ſhall, by Writing, Printing, Teaching, or adviſed Speaking, deny any one of the Perſons in the Holy Trinity to be God, or ſhall aſſert or maintain there are more Gods than One, or ſhall deny the Chriſtian Religion to be true, or the Holy Scriptures of the Old and New Teſtament to be of Divine Authority, and ſhall, upon Indictment or Information in any of his Majeſty's Courts at Weſtminſter, or at the Aſſizes, be thereof lawfully convicted, by the Oath of two or more credible Witneſſes; ſuch Perſon or Perſons for the firſt Offence ſhall be adjudged incapable and diſabled in Law, to all intents and purpoſes whatſoever, to have or enjoy any Office or Offices, Imployment or Imployments, Eccleſiaſtical, Civil, or Military, or any part in them, or any Profit or Advantage appertaining to them, or any of them: And if any perſon or perſons ſo convicted, as aforeſaid, ſhall at the time of his or their Conviction, enjoy or poſſeſs any Office, Place or Imployment, ſuch Office, Place or Imployment ſhall be void, and is hereby declared void: And if ſuch perſon or perſons ſhall be a ſecond time lawfully convicted, as aforeſaid, of all or any of the aforeſaid Crime or Crimes, That then he or they ſhall from thenceforth be diſabled to ſue, proſecute, plead, or uſe any Action or Information in any Court of Law or Equity, or to be Guardian of any Child, or Executor or Adminiſtrator of any perſon, or capable of any Legacy or Deed of Gift, or to bear any Office, Civil or Military, or Benefice Eccleſiaſtical, for ever, within this Realm, and ſhall alſo ſuffer Impriſonment for the ſpace of three Years, without Bail or Mainprize, from the Time of ſuch Conviction.

—and, for the 2d offence, ſhall be diſabied to ſue, *&c.* and to bear Office for ever,

—and ſhall ſuffer Impriſonment for 3 years.

Informations ſhall be within 4 days.

II. Provided always, and be it enacted by the Authority aforeſaid, That no perſon ſhall be proſecuted by virtue of this Act, for any Words ſpoken, unleſs the Information of ſuch Words ſhall be given upon Oath before one or more Juſtice or Juſtices of the Peace, within four days after ſuch Words ſpoken, and the Proſecution of ſuch Offence be within three Months after ſuch Information.

Any Perſon renouncing within 4 months after Conviction, ſhall be diſcharg'd from all Penalties.

III. Provided alſo, and be it enacted by the Authority aforeſaid, That any perſon or perſons, convicted of all or any of the aforeſaid Crime or Crimes, in manner aforeſaid, ſhall, for the firſt Offence (upon his, her or their Acknowledgment, and Renunciation of ſuch Offence or erroneous Opinions, in the ſame Court where ſuch perſon or perſons was or were convicted, as aforeſaid, within the ſpace of four Months, after his, her or their Conviction) be diſcharged from all Penalties and Diſabilities incurred by ſuch Conviction; any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

CAP. II.

SWEARING *and* CURSING.

A.D. 1623.

21 Jac. I. Cap. 20.

An Act to prevent and reform prophane Swearing and Curſing.

Swearing and Curſing.

Every perſon convicted of profane ſwearing or curſing, ſhall forfeit 1 *s.* to the poor,

FOraſmuch as all prophane ſwearing and curſing is forbidden by the Word of God, Be it therefore enacted by the authority of this preſent Parliament, That no perſon or perſons ſhall from henceforth prophanely ſwear or curſe: And that if any perſon or perſons ſhall at any time or times hereafter offend herein, either in the hearing of any Juſtice of Peace of the County, or of any Mayor, Juſtice of Peace, Bailiff, or Head Officer of any City, or Town-corporate where ſuch offence is or ſhall be committed, or ſhall thereof be convicted by the Oaths of two Witneſſes, or by confeſſion of the party, before any ſuch Juſtice of the Peace of the County, or Head Officer, or Juſtice of the Peace in the City or Town-corporate where ſuch Offence is or ſhall be committed, (to which end, every Juſtice of Peace, and every ſuch Head Officer ſhall have power by this Act to miniſter the ſame Oath,) That then every ſuch offendor ſhall, for every time ſo offending, forfeit and pay to the uſe of the poor of that pariſh where the ſame offence is, or ſhall be committed, the ſum of twelve pence: And it ſhall alſo be lawful for the Conſtable, Church-wardens, and Overſeers of the poor of that pariſh, by Warrant from ſuch Juſtice of the Peace, or Head Officers, to levy the ſame ſum and ſums of money, by diſtreſs and ſale of the offendors goods, rendring to the party the overplus: And in defect of ſuch diſtreſs, the offendor, if he or ſhe be above the age of twelve years, ſhall by warrant from

—to be levied by diſtreſs,

—and, in defect of diſtreſs; the Offender being above

12 years, ſhall be ſet in the Stocks; being under, whipped.

ſuch Juſtice of the Peace, or Head Officer, be ſet in the Stocks by three whole hours; but if the offendor be under the age of twelve years, and ſhall not forthwith pay the ſaid ſum of twelve pence, Then he or ſhe, by warrant of ſuch Juſtice of the Peace, or Head Officer, ſhall be whipped by the Conſtable, or by the Parent or Maſter, in his preſence.

Officers, upon any Suit commenced, ſhall have good coſts, to be taxed by the Court.

II. And be it further enacted, That if any ſuch offendor ſhall commence any Suit in Law againſt any Officer or other, for ſuch diſtraining, ſale of Goods, whipping, or ſetting in the Stocks, the Defendant or Defendants may plead the general iſſue, and give the ſpecial matter in evidence to the Jury at the Trial: And if it be found againſt the Plaintiff, or that the Plaintiff be nonſuit, the Defendant or Defendants ſhall be allowed good Coſts to be taxed by the Court.

Informations ſhall be within 20 days.

III. Provided nevertheleſs, That every offence againſt this Law, ſhall be complained of, and proved as aboveſaid, within twenty days after the offence committed.

This Act ſhall be read in Churches twice a year,

IV. And it is alſo enacted, That this Act ſhall be read in every Pariſh Church by the Miniſter thereof, upon the Sunday after Evening Prayer, twice in the year.

— and ſhall continue till the next Parliament.

V. Provided, That this Act ſhall continue until the end of the firſt Seſſion of the next Parliament, and no longer.

3 Car. I. Cap. 4.

A.D. 1627.

In an Act, Entituled, *An Act for Repeal and Continuance of divers Statutes.*

The foregoing Act further continued.

§. XXI. —— And one other Act entituled, An Act to prevent and reform prophane Swearing and Curſing, ſhall continue in force until the end of the firſt Seſſion of next Parliament.

16 Car. I. Cap. 4.

A.D. 1640.

In an Act, Entituled, *An Act for the further Relief of his Majeſties Army, and the Northern parts of the Kingdom.*

Reviver, and Continuation of the Stat. 21 *Jac.* 1. c. 20.

§. II. And be it Enacted by the authority aforeſaid, That all Statutes and Acts of Parliament which have their continuance, or were by an Act of Parliament made in the third year of the Reign of his Majeſty that now is, Intituled, An Act for the continuance and Repeal of divers Statutes continued until the end of the firſt Seſſion of the then next Parliament, ſhall, by vertue of this Act, be adjudged ever ſince the Seſſion of Parliament in the ſaid third year, to have been of ſuch force and effect as the ſame were the laſt day of that Seſſion, and from thenceforth until ſome other Act of Parliament be made touching the continuance or diſcontinuance of the ſaid Statutes and Acts in the ſaid Act of the third year of his Majeſties Reign continued as aforeſaid.

6, 7 Will. III. Cap. 11.

A.D. 1694.

An Act for the more effectual ſuppreſſing Prophane Curſing and Swearing.

The Stat. 21 *Jac.* 1. c. 20. being found ineffectual,

Enacted, that,

— Every perſon, convicted of prophane Curſing and Swearing, ſhall pay,

Whereas it is found by experience, That an Act of Parliament made in the One and twentieth year of the Reign of King James the Firſt, Entituled, An Act to prevent and reform Prophane Swearing and Curſing, hath proved ineffectual to the ſuppreſſing of thoſe deteſtable ſins, by reaſon of ſome deficiencies in the ſaid Act; Be it therefore enacted by the Kings moſt excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if any perſon or perſons ſhall (after the Four and twentieth day of June, in the year of our Lord, One thouſand ſix hundred ninety five) prophanely ſwear or curſe in the preſence or hearing of any Juſtice of Peace of the County, Riding, or Diviſion, or of the Mayor, or other Head Officer or Juſtice of the Peace for any City or Town Corporate, where ſuch Offence is or ſhall be committed, or that ſhall be thereof convicted by Oath of one Witneſs, or by the confeſſion of the party offending, before any Juſtice of Peace of the County, or Mayor, or Bayliff, or other Chief Officer or Juſtice of the Peace of ſuch City or Town Corporate, where the ſaid Offence ſhall be committed, That then, for every ſuch Offence, the party ſo offending, ſhall forfeit and pay to the uſe of the poor of the Pariſh, where ſuch offence or offences ſhall

Swearing and Curſing.

ſhall be committed, *b* the reſpective ſums herein after mentioned (that is to ſay) Every ſervant, day-labourer, common-ſoldier, and common-ſeaman, One ſhilling; and every other perſon, Two ſhillings; And in caſe any of the perſons aforeſaid, ſhall, after conviction, offend a Second time, ſuch perſon ſhall forfeit and pay double; And if a Third time, treble the ſum reſpectively by him or her to be paid for the firſt offence.

—if a Servant, day-labourer, Seaman, or Soldier, — 1 *s.*
—if any other—2 *s.*
The 2d. Offence, double;
The 3d. Offence, treble;
—which ſhall be levied by diſtreſs;

II. And it is hereby further enacted, That upon neglect or refuſal of payment of the ſaid forfeiture, any Juſtice of Peace of the County, Riding or Diviſion, or Mayor, or other Head Officer or Juſtice of Peace of any City, or Town Corporate, where the ſaid offences ſhall be committed, ſhall, and are hereby authorized and required to direct and ſend his Warrant to the Conſtable, Tythingman, Churchwarden or Overſeer of the poor of the pariſh where the offence ſhall be committed, or where the Offender ſhall inhabit, thereby commanding them, or ſome one or more of them, to levy by Diſtreſs and Sale of the Goods of the Offender, the ſum ſo forfeited for the uſe of the poor of the pariſh as aforeſaid; And in caſe no ſuch Diſtreſs can be had, then every ſuch Offender, being above the Age of Sixteen Years, ſhall, by Warrant under the Hand and Seal of the ſaid Juſtice of Peace or other Officer, as aforeſaid, be publickly ſet in the Stocks for the ſpace of One Hour for every ſingle offence; and for any number of offences, whereof he ſhall be convicted at one and the ſame time, then two Hours; And if the party offending be under the Age of Sixteen Years, and ſhall not forthwith pay the ſaid Forfeitures, then he or ſhe ſhall, by Warrant as aforeſaid, be Whipped by the Conſtable, or by the Parent, Guardian or Maſter of ſuch Offender in the preſence of the Conſtable.

—and in defect of diſtreſs, the perſon being above 16, ſhall be ſet in the Stocks; and being under, whipped.

III. And be it further enacted, That if any Juſtice of the Peace or Chief Magiſtrate, ſhall willingly and wittingly omit the performance of his Duty in the Execution of this Act, he ſhall forfeit the ſum of Five pounds, the one moiety to the uſe of the Informer, to be recovered by Action, Suit, Bill or Plaint, in any of his Majeſties Courts at Weſtminſter, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed, nor any more then one Imparlance.

Magiſtrates omitting their duty, ſhall forfeit, 5 *l.*

IV. And it is hereby further enacted, That if any Action or Suit ſhall be commenced or brought againſt any Juſtice of Peace, Conſtable or other Officer, or perſon whatſoever, for doing or cauſing to be done any thing in purſuance of this Act, concerning the ſaid Offences, the Defendant, in ſuch Action, may plead the General Iſſue, and give the Special Matter in Evidence; And if upon ſuch Action, Verdict be given for the Defendant, or the Plaintiff become Nonſuit, or diſcontinue his Action, then the Defendant ſhall have treble Coſts.

Any Action being brought for the Execution of this Act, the Defendant ſhall have treble Coſts.

V. Provided always, and it is hereby enacted, That no perſon ſhall be proſecuted or troubled for any offence againſt this Statute, unleſs the ſame be proved or proſecuted within ten days next after the offence committed.

Informations ſhall be within 10 days.

VI. And it is further enacted by the Authority aforeſaid, That this Act ſhall be publickly Read Four ſeveral times in the Year, in all Pariſh Churches, and all publick Chappels, by the Parſon, Vicar, or Curate of the reſpective Pariſhes or Chappels, immediately after Morning Prayer, on Four ſeveral Sundays (that is to ſay) the Sunday next after the Four and twentieth day of June, the Nine and twentieth day of September, the Five and twentieth day of December, and the Five and twentieth day of March, under the pain of Twenty Shillings for every ſuch omiſſion or neglect.

This Act ſhall be read in Churches, 4 times a year.

VII. And be it further enacted by the authority aforeſaid, That the Juſtice of Peace, Mayor or other Head Officer, ſhall Regiſter in a Book, to be kept for that purpoſe, all the Convictions made before him upon this Act, and the time of making thereof, and for what offence, and ſhall certifie the ſame to the next General Quarter Seſſions of the Peace for the ſaid County or Place, where the offences are committed, to be there kept upon Record by the reſpective Clerks of the Peace, to be ſeen without Fee or Reward.

Magiſtrates ſhall Regiſter Convictions, and certifie them to the next Quarter-Seſſions.

Str. Ref. Ap. 2. p. 3.

b The reſpective Sums.] The Penalty upon Swearing, propoſed in the reign of Queen *Elizabeth*, was as follows, ‘The Swearer to be Admoniſhed by the Parſon or Vicar ‘before the Churchwarden; and if he leave it not, to be ‘put from the Communion, and Notice given to the Ordi‘nary of him; Who ſhall adjudge the Offender to pay 2 *s.* ‘6 *d.* for every Offence, to be levied by the Church-war‘den; and to ſtand in the Place of *Penitents* one whole ‘Month, or ſo long as he or they ſhall not ſhew themſelves ‘truly Repentant.

Swearing and Curſing.

13 Car. II. Cap. 9.

A.D.1661.

In an Act, Entituled, *An Act—for the Regulating and better Government of his Majeſties Navies*, &c.

Every Perſon ſwearing at Sea, ſhall be puniſhed at the diſcretion of the Court-Marſhal.

Every perſon and perſons in his Majeſties pay, uſing unlawful and raſh Oaths, Curſings, Execrations, —— in derogation of Gods honour, and corruption of good manners, ſhall be puniſhed by Fine, Impriſonment or otherwiſe, as the Court-Martial ſhall think fit.

A.D.1661.

[Note, *the Laws againſt Profanation of the* LORD's DAY, *and for the Religious Obſervance thereof, are plac'd before under* TIT. X. Solemn Times of Divine Service.

CAP. III.

BUGGERY *and* SODOMY.

25 Henr. VIII. Cap. 6.

A.D.1533.

The puniſhment of the Vice of Buggery.

Buggery and Sodomy.

The Vice of Buggery ſhall be Felony, without benefit of Clergy;

Forasmuch as there is not yet ſufficient and [c] condign puniſhment appointed and limited by the due courſe of the Laws of this Realm, for the deteſtable and abominable Vice of Buggery committed with mankind or beaſt: It may therefore pleaſe the King's Highneſs, with the aſſent of his Lords ſpiritual and temporal, and the Commons of this preſent Parliament aſſembled, that it may be enacted by authority of the ſame, That the ſame offence be from henceforth adjudged Felony, and ſuch order and form of proceſs therein to be uſed againſt the offenders, as in caſes of Felony at the Common-law. And that the offenders being hereof convict by Verdict, Confeſſion, or Outlawry, ſhall ſuffer ſuch [d] pains of death, and loſſes, and penalties of their goods, chattels, debts, lands, tenements and hereditaments, as Felons be accuſtomed to doe according to the order of the Common-laws of this Realm. And that no perſon offending in any ſuch offence, ſhall be admitted to his Clergy, And that Juſtices of Peace ſhall have power and authority, within the limits of their Commiſſions and Juriſdictions, to hear and determin the ſaid offence, as they do uſe to doe in caſes of other Felonies. This Act to endure till the laſt day of the next Parliament.

—and Juſtices of the Peace ſhall hear and determine this offence.

This Act ſhall continue to the end of next Parliament.

Fitzh. Nat. Br. f.269. a.

[c] **Condign Puniſhment.**] *Fitzherbert*, where he ſpeaks of the Writ *de hæretico comburendo*, ſaith thus, 'Note, it 'appeareth by *Briton*, in his Book, that thoſe perſons ſhall 'be burnt, who are *Sodomites* and Hereticks; and it ap'peareth by that Book, that ſuch was the Common Law.' To which, *Coke* adds, That other ancient Books make the puniſhment of it, *Burying alive*, and call it *Treaſon*, i. e. Treaſon againſt the *King of Heaven*, or a Rebellion againſt the Order of Nature which he hath eſtabliſhed.

12 Rep. 36.

Jones (W.) 320.

[d] **Pains of Death.**] In the Caſe of *Higgon* and *Coppinger*, 9 *Car*. I. where the Defamation, for which Suit was depending in the Spiritual Court, was *Buggery*, and Prohibition prayed; the Court granted it, by reaſon that that offence was made *Felony*; and, there being no *Saving* in the Act for the Spiritual Juriſdiction, the Spiritual Court could not have cogniſance of the *principal* Offence, nor, by conſequence, of the Defamation ariſing from it.

Two remarkable Executions have been upon this Statute; the firſt, of *Stafford*, 5 *Jac*. 1. who was found guilty in the King's Bench; and the ſecond, of the Lord *Audley* (7 *Car*. 1.) who was arraigned, and found guilty by his Peers: and both were hanged as the Act directs.

12 Rep. 36.
3 Inſt p. 58.
Hutt. 116.

28 Henr. VIII. Cap. 1.

A.D.1536.

In an Act Entituled, *An Act that Abjurers in certain caſes ſhall not have Clergy.*

Continuation of Stat. 25 *H*. 8. c. 6.

—— §. VI. And whereas alſo in the ſaid Parliament it was further ordained, That the deteſtable vice of buggery, committed with mankind or beaſt, ſhould be felony, and that the offenders therein ſhould loſe the priviledge of their Clergy: which Act was made to endure to the laſt day of the next Parliament, as by the ſame

Buggery and Sodomy.

ſame Act among other things it appeareth more at large. —— Foraſmuch as the ſaid Act is profitable and beneficial to this Realm —— it ſhall ſtand in full ſtrength and virtue, and from henceforth continue and endure unto the laſt day of the next Parliament.

A.D. 1536.

28 Henr. VIII. Cap. 6.

In an Act Entituled, *An Act for the Continuance of* [*divers*] *Statutes*, &c.

Continuation of Stat. 25 *H*. 8. c. 6.

—— And where alſo in the ſaid Parliament, continued and prorogued unto the fifteenth day of January, in the xxv. yeere of our ſaid Soveraigne Lord, there was then in that ſeſſion of the ſaid Parliament, one other Act made and eſtabliſhed for the puniſhment of the vice of Buggerie, declaring ſuch offence to be felonie, which act was then made to endure to the laſt day of the next Parliament, as by the ſaid Act more plainely appeareth: Foraſmuch as the ſaid act is beneficial and profitable for the commonweale of this Realme: be it therefore enacted by authority of this preſent Parliament, that the ſaid Act, and all clauſes, articles, and proviſions therein conteined, ſhall from henceforth be obſerved and kept, and continue, and indure unto the laſt day of the next Parliament.

A.D. 1539.

31 Henr. VIII. Cap. 7.

In an Act Entituled, *An Act concerning the Continuance — of certain Statutes.*

Further Continuation of Stat. 25 *H*. 8. c. 6.

—— And alſo at the ſaid Parliament one other Act was made and eſtabliſhed for puniſhment of the vice of Buggerie, declaring ſuch offence to be fellonie: — Foraſmuch as the ſaid Act is good and beneficial for the commonwealth of this Realm — it ſhall continue and indure in force and ſtrength, and be obſerved and kept until the laſt day of the next Parliament.

A.D. 1541.

32 Henr. VIII. Cap. 3.

In an Act Entituled, *For the Continuation of certain Acts.*

Statute, 25 *H*. 8. c. 6. ſhall be perpetual.

§. V. And where alſo in the ſaid Parliament it was farther ordained, That the deteſtable vice of Buggery committed with mankind or beaſt, ſhould be Felony, and that the Offenders therein ſhould loſe the benefit of their Clergy; which Act was made to endure to the laſt day of the next Parliament, as by the ſame Act amongſt other things, it appeareth more at large. — Foraſmuch as the ſaid Act is good and beneficial for the common wealth of this Realm — It ſhall continue and endure in force and ſtrength, and be obſerved and kept for ever.

A.D. 1548.

2, 3 Edw. VI. Cap. 92.

An Act againſt Sodomy.

Buggery ſhall be Felonie, — but without loſs of Goods or Lands, — ſaving of Rights to the wife, children, and others.

FOraſmuch as there is not at this preſent time any ſufficient and condigne Puniſhment by due Courſe of the Lawes of this Realme, for the deteſtable vice of Buggerie: Be it therefore enacted by the aſſent of the Kings Highneſſe, the Lords Spiritual and Temporall, and the Commons in this preſent Parliament aſſembled, that all and every offendour or offendours in that crime, after the firſt day of Aprill next inſuing, being thereof convicted or attainted by verdict, confeſſion, outlawrie, or otherwiſe, ſhall ſuffer ſuch peines of death, without loſſe of goods, or lands, or any other Commoditie, his Life onely excepted, as Felons convicted or attainted of Felonie bee accuſtomed to doe, touching the ſaid peines of death, by the Common Lawes of this Realme. And that no ſuch Perſon ſhall enjoy the priviledge or benefit of his or their Clergie or Sanctuarie, and that the Juſtices of Peace ſhall have full power and authoritie within the limits of their Commiſſion and Juriſdictions, to hear and determine the ſaide offence, touching the ſaid paines of death, as they doe and have uſed to doe in caſes of Felonie: Saving to the wife and children, the heires and ſucceſſors and adminiſtrators of the ſaid offendor or offendors, and all other perſons and bodies politike, other then the ſaid offendor or offendors, all ſuch right, title, claime, and intereſt, to all and every the ſaid offendor or offendors, goods, lands, and hereditaments, as they or any of them might have, or ought to have had, if the ſaid offendor or offendors had died his or their natural death, or had neither in this caſe, neither by any other meane, offended any of the Kings lawes.

Indictments ſhall be within ſix months; —and no perſon ſhall be a witneſs, who is to receive benefit by the death of the Offender.

Buggery and Sodomy.

II. Provided, that no manner of perſon be impeached or moleſted for the ſaid offence, by reaſon of this preſent Act, except the ſaid perſon be indited of the ſaid offence within ſix moneths next and immediately following the time of committing the ſame. And that no perſon be received for witneſſe, or to lay or give evidence againſt the ſaid offendor, as upon whoſe credit the inqueſt ſhould informe themſelves, which perſon ſhould take any profit or commoditie by the death of the ſaid offendor, if he were attainted or convicted of the ſaid crime and offence: nor that any ſuch atteindor ſhall make any corruption of blood to the heire or heires of ſuch offendor or offendors.

5 Eliz. Cap. 17.

A.D. 1562.

An Act for the puniſhment of the Vice of Buggery.

The Stat. 25 *H.* 8. c. 6. againſt Buggery, —having been repealed by Stat. 1 *Mariæ*,

WHere in the Parliament begun at London the third day of November, in the one and twentieth year of the late King of moſt famous memory, King Henry the Eighth, and after, by Prorogation holden at Weſtminſter, in the Five and twentieth year of the Reign of the ſaid late King, there was one Act and Statute made, intituled, An Act for the puniſhment of the Vice of Buggery, whereby the ſaid deteſtable Vice was made Felony, as in the ſaid Eſtatute more at large it doth and may appear: For as much as the ſaid Statute concerning the puniſhment of the ſaid crime and offence of Buggery, ſtandeth at this preſent repealed and void by vertue of the † Statute of Repeal made in the Firſt year of the Reign of the late Queen Mary: Sithence which Repeal ſo had and made, divers evil diſpoſed perſons have been the more bold to commit the ſaid moſt horrible and deteſtable Vice of Buggery aforeſaid, to the high diſpleaſure of Almighty God;

—ſhall be in full force and Strength, as at the death of K. *H.* 8. —notwithſtanding the ſaid Repeal.

II. Be it enacted, ordained and eſtabliſhed by the Queen our Sovereign Lady, and by the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That the ſaid Statute before mentioned, made in the Five and twentieth year of the ſaid late King Henry the Eighth, for the puniſhment of the ſaid deteſtable Vice of Buggery, and every branch, clauſe, article and ſentence therein contained, ſhall, from and after the firſt day of June next coming, be revived, and from thenceforth ſhall ſtand, remain, and be in full force, ſtrength, and effect for ever; in ſuch manner, form and condition as the ſame Statute was at the day of the death of the ſaid late King Henry the Eighth; the ſaid Statute of Repeal made in the ſaid Firſt year of the ſaid late Queen Mary, or any words general or ſpecial therein contained, or any other Act or Acts, thing or things, to the contrary notwithſtanding.

† In which, are repealed, all Statutes in general, whereby any Offence was made *Felony*, ſince the firſt Year of K. H. 8. that was not ſo before.

35 Henr. VIII. Cap. 18.

A.D. 1543.

In an Act Entituled, *An Act concerning the King's general Pardon.*

Buggery excepted out of General Pardons.

[Except] All offences concerning the abominable Vice of Buggery.

7 Jac. I. Cap. 24 — 12 Car. II. Cap. 11. — 25 Car. II. Cap. 5. — 2 Will. & Mar. Cap. 10. — 6, 7 Will. Mar. Cap. 20.

A.D. 1609, &c.

In the ſeveral Acts of Pardon.

Buggery excepted out of General Pardons.

And alſo excepted the deteſtable and abominable Vice of Buggery, committed with mankind or beaſt.

7 Annæ, Cap. 22. — 3 Georg. Cap. 19. — 7 Georg. Cap. 29.

A.D. 1708. 1717.

In an Act Entituled, *An Act for the Queen's* [*and King's*] *moſt gracious*, &c. *Pardons.*

Sodomy and Buggery excepted out of General Pardons.

—— And alſo excepted the deteſtable and abominable Vices of Sodomy and Buggery.

CAP. IV.

RAPE *and* RAVISHMENT.

A.D.1275.

3 Edw. I. (Weſtm. I.) Cap. 13.

Rape and Raviſhment.

AND the King prohibiteth that none do [e] raviſh, nor [f] take away by force any Maiden [g] within age (neither by her own conſent, nor without) nor any wife, or maiden of full age, nor any other woman againſt her will. And if any do, at his ſuit that will ſue within forty days, the King ſhall do common right; and if none commence his ſuit within forty days, the King ſhall ſue. And ſuch as be found culpable, ſhall have [h] two years impriſonment, and after, ſhall fine at the Kings pleaſure. And if they have not whereof, they ſhall be puniſhed by longer impriſonment according as the treſpaſs requireth.

None ſhall raviſh a Maiden within Age, nor any other Woman againſt her will,

—upon pain of Impriſonment, and Fine at the King's pleaſure.

2 Inſt. 180. [e] Raviſh] *Rapere*, to Raviſh (ſaith my Lord *Coke*) legally ſignifieth as much as *carnaliter cognoſcere*; and is, when a Man hath *carnal Knowledge* of a Woman, by *force*, *againſt her Will.*

Ibid. 181. [f] Take away] The *taking away* a Woman by force, againſt her Will, albeit there be no Rape, is generally prohibited by this Act.

Ibid. 182. Vid. in hoc Cap. 18 Eliz. c. 7. [g] Within age] That is within Age of Conſent, *viz.* 12 years old; for that is her age of conſent to Marriage.

[h] Two years Impriſonment] By the moſt ancient Law of *England*, Rape was *Felony*; and the puniſhment thereof loſs of Life: but this was afterwards mitigated, to the loſs of the Parts or Members more immediately offending, *viz.* The Eyes, and the Teſticles: The Eyes, *Propter aſpectum Decoris, quibus Virginem concupivit*; the Teſticles, *Quia calorem ſtupri induxerunt*; which was the Law, at the Time when this Statute was made by way of *further* mitigation.

A.D.1285.

13 Edw. I. (Weſtm. 2.) Cap. 34.

It is Felony to commit Rape. A married woman elopeth with an advouterer. The Penalty for carrying a Nun from her Houſe.

IT is provided, That if a man from henceforth do raviſh a woman married, maid, or other, where ſhe did not conſent, neither before nor after, he ſhall have judgment [i] of life and of member. And likewiſe where a man raviſheth a Woman married, Lady, Damoſel, or other with force, although ſhe conſent after, he ſhall have ſuch judgment as before is ſaid, if he be attainted at the Kings ſuit, and there the King ſhall have the ſuit. And of women carried away with the goods of their husbands, the King ſhall have the ſuit for the goods ſo taken away. And if a wife [k] willingly leave her husband and go away, and [l] continue with her advouterer, ſhe ſhall be barred for ever of action [ll] to demand her dower, that ſhe ought to have of her husbands lands, if ſhe be convict thereupon, except that her husband willingly and without coertion of the Church, reconcile her, and ſuffer her to dwell with him: in which caſe ſhe ſhall be reſtored to her action. He that carrieth a Nun from her houſe, although ſhe conſent, ſhall be puniſhed by three years impriſonment, and ſhall make convenient ſatisfaction to the houſe from whence ſhe was taken, and nevertheleſs ſhall make fine at the Kings will.

A Man raviſhing a Woman, without Conſent, ſhall have judgment of life and member;

—and a Wife going away with the Adulterer, ſhall be barred of her Dower.

He who carrieth away a Nun, tho' ſhe conſent, ſhall ſuffer 3 years Impriſonment, and make Fine at the Kings will.

2 Inſt. 181. [i] Of life] As a Reaſon why this Crime ſhould be made *Felony again* (for ſo, we have ſeen, it was at *Firſt*) my Lord *Coke* ſays, 'It is incredible, what ill Succeſs the *former mitigating Act* had; for many ill-diſpoſed Perſons, 'taking, upon this Occaſion, Encouragement to follow the 'heat of Luſt, did many ſhameleſs and ſhameful *Rapes*, in 'barbarous and inhuman Manner:' And this, ſaith he, is the only Law that gives an *Appeal* of Rape to the *Party raviſhed*; in which Appeal, being the ſuit of the Party, the Pardon of the King doth diſcharge the Offender, as it doth at the ſuit of the King. Ibid. 433, 434.

Ibid. 435. [k] Willingly] Or, if ſhe be taken away *againſt her will*, and after do *conſent*, and remain with the Adulterer, without being Reconciled, *&c.* ſhe ſhall loſe her *Dower*: for the cauſe of the Bar of her Dower, is not the *manner* of the going away, but the *remaining with the Adulterer*, without Reconciliation.

2 Inſt. 436. [l] Continue] Albeit ſhe doth not *continually* remain with the Adulterer, yet if ſhe be with him and commit Adultery, it is a Continuing within this Statute; and ſo it is, if ſhe *once continue* with the Adulterer, tho' after, he keepeth her *againſt her will*, or *turn her away*.

Ibid. p. 435. [ll] To demand her Dower] In this caſe of Elopement, and remaining with the Adulterer, *&c.* the Wife could not be barred of her Dower by the *Common-Law*, tho' a Divorce were ſued and had, for the ſame Adultery.

A.D.1382.

6 Ric II. Cap. 6.

The penalties of the man and woman, where a woman raviſhed doth conſent. In an appeal of Rape, the defendant ſhall not wage battel.

ITEM, Againſt the offendors and raviſhers of Ladies, and the daughters of Noblemen, and other women in every part of the ſaid Realm, in theſe days offending more violently, and much more than they were wont: It is ordained and ſtabliſhed, that

Men Raviſhing, and Women Conſenting, ſhall be diſabled to challenge Inheritance, Dower, or joint Feoffment;

that whereſoever, and whenſoever ſuch Ladies, daughters, and other women aforeſaid be raviſhed, and after ſuch rape *m* do conſent to ſuch raviſhers, that as well the raviſhers, as they that be raviſhed, and every of them, be from thenceforth diſabled, and by the ſame deed be unable to have or challenge all inheritance, dower, or joynt-feoffment after the death of their husbands and anceſtors. And that incontinently in this caſe the next of the bloud of thoſe raviſhers, or of them that be raviſhed, to whom ſuch Inheritance, dower, or joint-feoffment ought to revert, remain, or fall after the death of the raviſher, or of her that is ſo raviſhed, ſhall have title immediately, that is to ſay, after the rape to enter upon the raviſher, or her that is raviſhed, and their aſſigns, and land-tenants, in the ſame inheritance, dower, or joint-feoffment, and the ſame to hold in ſtate of inheritance. And that *n* the husbands of ſuch women, if they have husbands, or if they have no husbands in life, that then the fathers, or other next of their bloud, have from henceforth the ſuit to purſue, and may ſue againſt the ſame offendors and raviſhers in this behalf, and to have them thereof convict of Life and of member, although the ſame woman, after ſuch rape, do conſent to the ſaid raviſhers. And further it is accorded, that the defendant in this caſe ſhall not be received to wage battel, but that the Truth of the Matter be thereof tried by Inquiſition of the Country. Saving always to our Lord the King, and to other Lords of the ſaid Realm, all their Eſcheats of the ſaid raviſhers, if peradventure they be thereof convict.

— to which, the Perſons to whom they would remain after their Deaths, ſhall have title.

Saving of *Eſcheats* to the Lords.

m Do conſent.] This is a *new* Penalty upon the Party raviſhed, in caſe ſhe Conſent *afterwards*.

n The husbands.] This Clauſe gives an *Appeal*, where no Appeal lay before.

18 Eliz. Cap. 7.

A.D. 1575.

An Act to take away Clergy from the Offenders in Rape and Burglary, and an Order for the delivery of Clerks convict without purgation.

Any Perſon who ſhall be found guilty of Rape or Raviſhment,

FOR the repreſſing of the moſt wicked and felonious Rapes or Raviſhments of Women, Maids, Wives and Damoſels, and of felonious Burglaries, and for the avoiding of ſundry perjuries and other Abuſes, in and about the purgation of Clerks convict, delivered to the Ordinaries: Be it enacted and ordained by the authority of this preſent Parliament, that if any perſon or perſons ſhall fortune at any time after the firſt day of June next enſuing, to commit or do any manner of felonious Rape, Raviſhment or Burglary, and to be found guilty by Verdict, of any ſuch felonious Rape or Burglary, or that any perſon or perſons ſhall fortune to be outlawed for any of the offences aforeſaid, or upon his or their Arraignment ſhall confeſs any ſuch felonious Rape or Burglary, That in every ſuch caſe, every perſon and perſons ſo being found guilty, outlawed, or confeſſing any of the ſaid felonious Rapes or Burglaries, ſhall ſuffer pains of death, and forfeit, as in caſes of felony hath been uſed and accuſtomed by the common Laws of this Realm, without any allowance of the privilege or benefit of Clergy; Any Law, Cuſtom or Uſage heretofore had, made, or uſed, to the contrary notwithſtanding.

— ſhall ſuffer death without benefit of Clergy.

Carnal knowledge of a Woman under 10 years of Age, ſhall be Felony, without Clergy.

§. IV. And for plain declaration of Law, Be it enacted, That if any perſon ſhall unlawfuly and carnally know and abuſe any woman-child under the age of ten years, every ſuch unlawful and carnal knowledge ſhall be felony, and the offender thereof being duly convicted, ſhall ſuffer as a Felon without allowance of Clergy.

35 Henr. VIII. — *to* 7 Georg. *incl.*

A.D. 1543. &c.

In all the Acts of General Pardon.

Rapes and Carnal Raviſhments, excepted out of general Pardons.

—— And alſo excepted all Rapes, and Carnal Raviſhments of Women.

CAP. V.

FORNICATION, ADULTERY, *and* INCEST.

A.D. 1285.

13 Edw. I. *Circumſpectè agatis.*

Fornication, Adultery, and Inceſt.

—N D C puniſhing them, if they hold plea in Court Chriſtian, of ſuch things as be meer Spiritual, that is to wit, of Penance, enjoyned by Prelates for deadly ſin, as *o* Fornication, *p* Adultery, *q* and ſuch like; for the which ſometimes Corporal Penance, and ſometimes Pecuniary, is enjoyned; ſpecially if a Freeman be Convict of ſuch things.

Temporal Courts ſhall not diſturb the Spiritual, for puniſhing *Fornication*, *Adultery*, and the like.

Extra. l. 5. t. 16. c. 1.

o **Fornication.**] One Rule of the Canon-Law concerning Fornicators (from *Exod.* 22. 16, 17.) is, *Si ſeduxerit quis Virginem*, nondum deſponſatam, *dormieritque cum ea; dotabit eam, & habebit Uxorem. Si verò Pater Virginis dare noluerit, reddet Pecuniam juxta modum Dotis, quam Virgines accipere conſueverunt:* which is alſo *repeated*, in the Laws of K. *Alfred*. And the Rule of the *Reformatio Legum*, concerning Fornicators, is, 'Eccleſiâ illos, *Excommunicationis* telo, præcipimus exturbari: nec ullum ad 'eas reditum illis eſſe, niſi velint illas uxores ducere, qui'bus abutebantur prius ut *Scortis:* verùm hoc ſi fortè fieri 'non poteſt, Judices illorum bona agnoſcent, & ex eorum 'diligenti conſideratione *tertiam partem* ad mulieres ſevoca'bunt, quæ Libidine ſunt illorum inquinatæ. Quòd ſi Bona 'Partitionem hanc non ferant, tamen ad prolem ſuis impen'ſis ſuſtentandam damnabuntur. Et præterea, tantas ſibi 'pœnas impoſitas habebunt, quantas Judex Eccleſiaſticus, 'ad Eccleſiæ tollendam offenſionem ſatis eſſe putabit, ſi di'vulgatum Crimen eorum fuerit.' And as to *General Lewdneſs*, this is the Rule: 'Scortationes, & *vagæ licentioſæque* Libidines omnis generis, magnâ ſuppliciorum acerbitate "comprehendantur, ut tandem aliquando radicitùs ex regno 'noſtro extirpentur. Eccleſiaſtici igitur Judices diligenter 'evigilent, ut quaſcunque perſonas & cujuſcunque ſexûs, 'flagitioſis & impuris Libidinum congreſſibus implicatas, in '*Excommunicationem* ejiciant, niſi maturè moniti reſipuerint: '&, licet ſe ipſi correxerint, tamen publicè cogantur *Eccleſiæ ſatisfacere*. Præterea, *decem Libras* in pauperum Ciſ'tam Eccleſiæ ſuæ propriam imponant; vel, ſi minores il'lorum facultates ſunt, tantum imponant quantum de bonis 'illorum commodè detrahi poteſt.

Spel. V. 1. 359. Ref. Leg. 19, b.

Ibid. 28. 2.

Ref. Leg. f. 24, b.

p **Adultery.**] The Rule of the foreſaid Body of Laws, entitled *Reformatio Legum*, &c. concerning Adultery in the *Man*, is thus; 'Uxori ſuæ dotem reſtituito: deinde Bono'rum univerſorum dimidiam partem eidem Uxori concedi'to. Præterea, vel in perpetuum *Exilium* ito; vel *æternæ* '*Carceris Cuſtodiæ* mancipator:' And, in the *Women*; 'Dotibus carebunt, & omnibus Emolumentis, quæ vel ullo 'Regni noſtri jure, vel Conſuetudine, vel Pacto, vel Pro'miſſo, poterint ex Bonis Maritorum ad illas deſcendere: 'tum etiam vel in *ſempiternum exilium* ejicientur, vel *per'petuæ Carceris Cuſtodiæ* mandabuntur.

q **And ſuch like**] Theſe, ſaith my Lord *Coke*, are to be taken for Offences of *like* Nature, as the two Offences here particularly expreſſed: as, for *Solicitation of a Woman's Chaſtity*, which is leſſer than theſe; and for *Inceſt*, which is greater.

2 Inſt. 488. Vaugh. 212.

In the caſe of *Galliſand* verſus *Rigaud*, it was agreed by the Court, that Solicitation, &c. was of Eccleſiaſtical cogniſance; but yet that the Prohibition ſhould ſtand, becauſe the perſon had been convicted on an Indictment for an aſſault upon the woman with intent to raviſh her, and after that, the woman had ſued an Action of Aſſault and Battery againſt him for the ſame offence, which Action was depending at the ſame time that the proſecution was in the Spiritual Court; for the *force* added to it, which is temporal, makes it cogniſable by the temporal Courts.

2 Raymond, p. 809.

In the Caſe of *Harris* and *Hickes*, 4 & 5 *W. M.* Prohibition was mov'd for to the Eccleſiaſtical Court, where a Suit was againſt the Plaintiff for INCEST, in marrying his firſt Wife's Siſter; ſuggeſting, that the ſaid ſecond Wife was dead, and by his ſaid Wife he had a Son, to whom an Eſtate was deſcended as heir to his Mother, and that, notwithſtanding he had pleaded this matter, they went on to annul the Marriage, and baſtardize the Iſſue: And it was agreed by the Court, that a Prohibition go, as to annulling the Marriage, or baſtardizing the iſſue; but they may proceed to puniſh the Inceſt.

2 Salk. p. 548.

A.D 1378.
2 *Ric.* 2.

SIMON SUDBURY.

Argumentum de ſe patet.

Lyndw. Edit. Oxon. p. 343.

IN Confeſſionibus & Prædicationibus ſæpiùs Laicis inculcetur, & præcipuè im majoribus ſolemnitatibus, quod omnis Commixtio Maris & Fæminæ, niſi per Matrimonium excuſetur, eſt *r* mortale Peccatum. Et ſi in Denunciatione hujus ſalubris Doctrinæ ſacerdos inventus fuerit negligens, tanquam Fornicator, vel conſentiens Fornicationibus Canonicè puniatur.

All Mixtures, except of perſons married, ſhall be declared, in Confeſſions and Sermons, to be mortal Sins.

r Mortale Peccatum] *Et ſic, Fornicatio Simplex, quæ eſt ſoluti cum ſolutâ;* *eſt* mortale Peccatum. Lyndw.

A.D. 1575.

18 Eliz. Cap. 24 — 27 Eliz. Cap. 30 — 29 Eliz. Cap. 9 — 31 Eliz. Cap. 16 — 35 Eliz. Cap. 14 — 43 Eliz. Cap. 19 — 3 Jac. I. Cap. 27 — 7 Jac. I. Cap. 24 — 21 Jac. I. Cap. 34.

In the ſeveral Acts of Pardon.

* Vid. ſup. p. 408, &c.

AND alſo excepted out of this pardon all offences of * Inceſt, Adultery, Fornication, and Simony.

Inceſt, Adultery, Fornication, excepted out of general Pardons.

Fornication, Adultery, and Inceſt.

A.D.1690.

2 Will. & Mar. Cap. 10 — 6, 7 Will. & Mar. Cap. 20. — 7 Annæ, Cap. 22 — 3 Georg. Cap. 19 — 7 Georg. Cap. 29.

Inceſt excepted out of general Pardons.

—— And alſo excepted all offences of *qq* Inceſt, ——

qq **Inceſt.**] 7 Annæ, 3 Georg. — 7 Georg. — And all Proceedings and Sentences thereupon.

A.D.1690. &c.

2 Will. & Mar. Cap. 10 — 6, 7 Will. & Mar. Cap. 20.

Adultery, and other enormous Crimes, in Clergymen, excepted out of general Pardons.

AND alſo excepted Adultery, and all other enormous Crimes committed by any perſon in Holy Orders, puniſhable in any Eccleſiaſtical Court, and all Proceedings and Sentences thereupon.

A.D.1661.

13 Car. II. Cap. 9.

In an Act, Entituled, *An Act for the regulating and better governing of his Majeſties Navies.*

Uncleanneſs in Seamen, ſhall be puniſhed with Fine or Impriſonment.

II. Every perſon and perſons in his Majeſties pay, uſing —— Uncleanneſs —— in derogation of Gods honour and corruption of good manners, ſhall be puniſhed by Fine, Impriſonment, or otherwiſe, as the Court Martial ſhall think fit.

CAP. VI.

BASTARDY, *and* BASTARDS.

A.D.1235.

20 Henr. III. Cap. 9.

He is a Baſtard that is born before the Marriage of his Parents.

Baſtardy, and Baſtards.

The Bps. pray that Children born before Matrimony, may be accounted legitimate,

—but the Earls and Barons declared againſt it.

TO the King's Writ of Baſtardy, Whether one being born before Matrimony may inherit in like manner as he that is born after Matrimony; all the Biſhops anſwered, that they would not, nor could not anſwer to it: becauſe it was directly againſt the common order of the Church. And all the Biſhops inſtanced the Lords, that they would conſent, that all ſuch as were born afore Matrimony ſhould be legitimate, as well as they that be born within Matrimony, as to the ſucceſſion of inheritance, forſomuch as *r* the Church accepteth ſuch for legitimate. And all the Earls and Barons with one voice anſwered, that they would not change the Laws of the Realm which hitherto have been uſed and approved.

Extra. l. 4. t. 17. c. 1.

r **The Church accepteth.**] This became the Rule of the Church, by the Determination of Pope *Alexander* the third, *Anno* 1160, 6 *H.* 2. *Conqueſtus eſt nobis* H. *quòd cùm quandam mulierem in uxorem acceperit,* R. *patruus mulieris ipſam exhæredare conatur, eò quòd* ante *Deſponſationem* matris ſuæ *nata fuerit, licèt* poſteà *Pater mulieris præfatæ matrem ipſius* acceperit in uxorem. *Ideoque mandamus, quatenùs ſi eſt ita, eam legitimam indicetis; prædicto* R. *inhibentes, ne dictæ mulieri hâc occaſione, ſuper hæreditate paternâ moleſtiam inferat, vel gravamen. Si autem contra hoc venire præſumpſerit, eum ſeveritate Eccleſiaſticâ percellatis.*

A.D.1350.

25 Edw. III.

In an Act, Entituled, *In what place Baſtardy pleaded againſt him that is born out of the Realm, ſhall be tryed.*

Baſtardy being alledged againſt any born beyond the Sea, the Bp. ſhall certifie, as uſual.

—— And if it be alledged againſt any ſuch born beyond the Sea, that he is a baſtard, in caſe where the Biſhop ought to have coniſance of baſtardy, it ſhall be commanded to the Biſhop of the place, where the demand is, to certifie the Kings Court, where the Plea thereof hangeth, as of old times hath been uſed in the caſe of baſtardy, alledged againſt them which were born in England.

A.D. 1430.

9 Henr. VI. Cap. 11.

In an Act, Entituled, *Proclamations before a Writ be awarded to the Biſhop to certifie Baſtardy.*

—— From henceforth all Juſtices of, or in the Courts, where any plea is or ſhall be depending, taken, or moved, in which pleas ſo depending, taken, or moved, Baſtardy is or ſhall be alledged againſt any perſon party to the ſame plea, and thereupon an iſſue joyned, which by the Law ought to be certified by the Ordinary; that the Judges, or one Judge of or in the Courts where the ſaid plea is or ſhall be depending, taken, or moved, before the time that any [s] Writ of certificate paſs out of the ſame Court to the Ordinary, to certifie upon the iſſue ſo joyned or to be joyned, ſhall make remembrance under their Seals or his Seal, at the ſuit of the demandant or tenant, plaintiff or defendant in the plea, in which the Baſtardy is or ſhall be alledged, reciting the iſſue that is joyned in the ſame plea of Baſtardy, and certifying to the Chancellor of the King of England for the time being, to the intent that thereupon Proclamation be made in the ſaid Chancery by three months, once in every month, that all perſons pretending any intereſt to object againſt the party which pretendeth himſelf to be mulier, that they ſue to the Ordinary to whom the Writ of Certificate is or ſhall be directed, to make their allegations and objections againſt the party which pretendeth him to be mulier as the Law of holy Church requireth: and the ſaid Chancellor having notice of the ſaid remembrance and iſſue joyned, and being required by the ſaid demandant or tenant, plaintiff or defendant, having the ſaid remembrance, to make the ſaid Proclamation as afore is ſaid, the ſame Chancellor for the time being ſhall cauſe to be made Proclamation in the form aforeſaid, And the Proclamation ſo made, ſhall certifie in the Court where the ſaid plea, in which the Baſtardy is alledged another time ſhall be depending. And that the Judges of or in the Court where the ſame plea is, or ſhall be depending, taken or moved, before any Proclamation ſo to be made in the Chancery, make one time ſuch Proclamation openly in the ſame Court, and alſo another time when the Proclamation ſhall be certified by the Chancellor of England, and made in the form above rehearſed: and then the ſaid Judge ſhall award the ſaid Writ of Certificate to the Ordinary, to certifie upon the iſſue ſo joyned or to be joyned; and if any Writ of Certificate be made or granted, before that all the Proclamations in the form aforeſaid be made and certified, that then the ſaid Writ of Certificate, and the Certificate of the Ordinary thereupon made or to be made, ſhall be void in Law, and of none effect.

Baſtardy being alledged in any Plea, no Certificate ſhall iſſue to the Ordinary, till Proclamation be made, thrice in 3 months, in Chancery;

—and twice in the Court, where the Plea is depending;

Any Certificate to the Ordinary, before ſuch Proclamations, ſhall be void.

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[s] **Writ of Certificate.**] Which Writ is of the following tenor:

Regiſtr. Jud. f. 5. a.

Rex, Venerabili in Chriſto Patri I. eâdem gratiâ Epiſcopo Sarum ſalutem. Sciatis quòd cùm A. in curia noſtra coram juſtitiariis noſtris apud Weſtm. petierit verſus G. unam acram terræ cum pertinentiis in N. ut jus & hæreditatem ſuam, de ſeiſina cujuſdem Johan. canſanguinei ipſius A. cujus hæredem propinquiorem eadem A. ſe aſſerebat: idem G. veniebat in eâdem curiâ noſtrâ, & objecit prædicto A. quod ipſa nulla hæres eſſe poteſt, eò quòd baſtarda eſt. Et quia hujuſmodi cauſæ cognitio ad forum ſpectat eccleſiaſticum, vobis mandamus quòd convocatis coram vobis in hac parte convocandis, rei veritatem ſuper hoc diligenter inquiratis. Et quid inde inquiſieritis, conſtare faciatis juſticiariis noſtris apud Weſtm. à die &c. per literas veſtras patentes. T. &c.

A.D. 1575.

18 Eliz. Cap. 3.

In an Act, Entituled, *Juſtices of Peace ſhall order the Puniſhment of the Mother and reputed Father of a Baſtard*, &c.

§. II. Concerning Baſtards begotten and born out of lawful matrimony (an offence againſt Gods Laws and Mans Law) the ſaid Baſtards being now left to be kept at the charges of the Pariſh where they be born, to the great burden of the ſame Pariſh, and in defrauding of the relief of the impotent and aged true poor of the ſame Pariſh, and to the evil example and encouragement of lewd Life: It is ordained and enacted by the authority aforeſaid, That two Juſtices of the Peace, whereof one to be of the Quorum, in or next unto the limits where the pariſh Church is, within which Pariſh ſuch baſtard ſhall be born, upon examination of the cauſe and circumſtance, ſhall and may by their diſcretion take order, as well for the puniſhment of the mother and reputed father of ſuch Baſtard child, as alſo for the better relief of every ſuch Pariſh in part or in all; and ſhall and may likewiſe by like diſcretion take order for the keeping of every ſuch baſtard child, by charging ſuch mother or reputed father, with the payment of money weekly, or other ſuſtentation for the relief of ſuch child, in ſuch wiſe as they ſhall think meet and convenient. And if after the ſame order by them ſubſcribed under their hands, any the ſaid perſons, viz. mother or reputed father, upon notice thereof, ſhall not for their part obſerve and

Baſtard Children being a burden to Pariſhes, and an Example of Lewd life,

—two Juſtices, (one of the *Quorum*) may puniſh the Father and Mother, and oblige one of them to maintain ſuch Child;

—and in default of obeying ſuch order, may commit the Party to Gaol.

perform the ſaid order: that then every ſuch party ſo making default, in not performing of the ſaid order, to be committed to ward to the common Goal, there to remain without bail or mainpriſe, except he, ſhe, or they, ſhall put in ſufficient ſurety to perform the ſaid order, or elſe perſonally to appear at the next general Seſſions of the Peace to be holden in that County where ſuch order ſhall be taken, and alſo to abide ſuch order as the ſaid Juſtices of the Peace, or the more part of them, then and there ſhall take in that behalf (if they then and there ſhall take any) and that if at the ſaid Seſſions the ſaid Juſtices ſhall take no other order, then to abide and perform the order before made, as is abovеſaid.

3 Car. I. Cap. 4.

A.D. 1627.

In an Act Entituled, *An Act for Repeal and Continuance of divers Statutes.*

All Juſtices may Execute the foreſaid Stat. 18 *Eliz.* c. 3.

§. XV. And ſo much of an act made in the eighteenth year of the reign of the ſaid late Queen Elizabeth, intituled, An Act for the ſetting the poor on work, and avoiding idleneſs, as concerneth Baſtards begotten out of lawful Matrimony; with this, that all Juſtices of the peace within their ſeveral limits and precincts, and in their ſeveral Seſſions, may do and execute all things concerning that part of the ſaid Statute, that by Juſtices of the peace in the ſeveral Counties are by the ſaid ſtatute limited to be done: —— ſhall be and continue until the end of the firſt Seſſion of the next Parliament. †

† The Act 18 Eliz. c. 3. was made perpetual, in the ſame manner as 21 Jac. I. c. 20. which ſee in p. 1078.

7 Jac. I. Cap. 4.

A.D. 1609.

In an Act Entituled, *An Act for the due Execution of divers Laws and Statutes heretofore made againſt Rogues,* &c.

Any Lewd Woman, having a Baſtard that is chargeable to the Pariſh, ſhall be ſent to the Houſe of Correction, for one year; —and, offending again, ſhall remain there till ſhe find Sureties.

§. VII. And becauſe great charge ariſeth upon many places within this Realm by reaſon of Baſtardy, beſides the great diſhonor of Almighty God; Be it therefore enacted by the authority aforeſaid, That every lewd Woman, which after this preſent Seſſion of Parliament, ſhall have any Baſtard, which may be chargeable to the Pariſh, the Juſtices of Peace ſhall commit ſuch lewd woman to the Houſe of Correction, there to be puniſhed, and ſet on work during the term of one whole year: And if ſhe ſhall eftſoons offend again, then to be committed to the ſaid Houſe of Correction as aforeſaid, and there to remain untill ſhe can put in good Sureties for her good behaviour, not to offend ſo again.

21 Jac. I. Cap. 27.

A.D. 1623.

The deſtroying and murthering of Baſtard Children prevented.

Lewd Women, to avoid Shame, oft-times murthering their Baſtard-Children,

Whereas many lewd women that have been delivered of Baſtard Children, to avoid their ſhame, and to eſcape puniſhment, do ſecretly bury, or conceal the death of their Children, and after, if the Child be found dead, the ſaid women do alledge, that the ſaid Child was born dead, whereas it falleth out ſometimes (although hardly it is to be proved) that the ſaid Child or Children were murthered by the ſaid women, their lewd Mothers, or by their aſſent or procurement;

Enacted, that, Any Woman delivered of a Baſtard-Child, and endeavouring to conceal the death of it, —ſhall ſuffer death, as in caſe of Murther, —unleſs ſhe can prove by one witneſs, at leaſt, that the Child was born dead.

For the preventing therefore of this great miſchief, Be it enacted by the authority of this preſent Parliament, That if any woman, after one moneth next enſuing the end of this Seſſion of Parliament, be delivered of any Iſſue of her body, Male or Female, which being born alive, ſhould by the Laws of this Realm be a Baſtard, and that ſhe endeavour privately, either by drowning or ſecret burying thereof, or any other way, either by herſelf, or the procuring of others, ſo to conceal the death thereof, as that it may not come to light, whether it were born alive or not, but be concealed; In every ſuch caſe, the ſaid mother ſo offending ſhall ſuffer death, as in caſe of murther, except ſuch Mother can make proof, by one witneſs at the leaſt, that the Child, whoſe death was by her ſo intended to be concealed, was born dead. †

† This Act was made perpetual, in the ſame manner, as 21 Jac. I. c. 20. which ſee in p. 1078.

13, 14 Car.

Baſtardy, and Baſtards.

A.D.1661.

13, 14 Car. II. Cap. 12.

In an Act, Entituled, *An Act for the better Relief of the Poor of this Kingdom.*

§. XIX. And whereas the putative Fathers and lewd Mothers of Baſtard-Children, run away out of the Pariſh, and ſometimes out of the County, and leave the ſaid Baſtard-Children upon the Charge of the Pariſh where they are born, although ſuch putative Father and Mother have Eſtates ſufficient to diſcharge ſuch Pariſh; Be it therefore enacted by the authority aforeſaid, That it ſhall and may be lawful for the Church-wardens and Overſeers for the Poor of ſuch Pariſh where any Baſtard-Child ſhall be born, to take and ſeize ſo much of the Goods and Chattels, and to receive ſo much of the Annual Rents or Profits of the Lands of ſuch putative Father or lewd Mother, as ſhall be ordered by any two Juſtices of Peace as aforeſaid, for or towards the diſcharge of the Pariſh, to be confirmed at the Seſſions, for the bringing up and providing for ſuch Baſtard-Child; And thereupon it ſhall be lawful for the Seſſions to make an Order for the Church-wardens or Overſeers for the Poor of ſuch Pariſh, to diſpoſe of the Goods by ſale or otherwiſe, or ſo much of them for the purpoſes aforeſaid, as the Court ſhall think fit, and to receive the Rents and Profits, or ſo much of them as ſhall be ordered by the Seſſions as aforeſaid, of his or her Lands.

If any Putative Fathers and Mothers of Baſtard-Children, having ſufficient to maintain them, run away, and leave them;

—the Church-wardens may ſeize ſo much of the Goods and Chattels for that end, as 2 Juſtices ſhall think ſufficient,

—and diſpoſe of them by order of Seſſions.

CAP. VII.

DRUNKENNESS.

A.D.1495.

11 Henr. VII. Cap. 2.—19 Henr. VII. Cap. 12.

In Acts—touching Ale-houſes.

Drunkenneſs.

----And that it be lawfull to two of the Juſtices of the Peace, whereof one ſhall be of the Quorum, within their authority, to reject and put away common Ale-ſelling in townes and places where they ſhall thinke convenient, and to take ſurety of the keepers of Alehouſes of their good behaving by the diſcretion of the ſaid Juſtices, and in the ſame to be adviſed and agreed at the time of their Seſſions.

Two Juſtices may put down, or take Surety of Alehouſes.

A.D.1623.

21 Jac. I. Cap. 28.

In an Act, Entituled, *An Act for continuing—of divers Statutes, and Repeal of divers others.*

§. XI.——One Statute made in the 11th year of the reign of the late King Henry the ſeventh, concerning——Alehouſes——And one Statute made in the nineteenth year of the reign of the late King Henry the ſeventh, concerning Alehouſes——ſhall be by virtue of this Act repealed.

Repeal of the 2 foregoing Statutes.

A.D.1603.

1 Jac. I. Cap. 9.

An Act to reſtrain the inordinate haunting and tipling in Inns, Alehouſes, and other Victualling-houſes.

WHereas the ancient, true and principal uſe of Inns, Ale-houſes, and Victualling-houſes, was for the Receit, Relief and Lodging of wayfaring People travelling from place to place, and for ſuch ſupply of the wants of ſuch people as are not able by greater quantities to make their proviſion of Victuals, and not meant for Entertainment and Harbouring of lewd and idle people, to ſpend and conſume their money and their time in lewd and drunken manner:

Inns being not meant for the Entertainment of lewd and idle People,

II. Be it therefore enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That if after fourty days next enſuing after the end of

Enacted, that,

—any Inn-keeper, &c. ſuffering perſons to continue Drinking, &c.

—(other than as invited by Travellers,

—or Labouring Men, for 1 hour at Dinner,

—or Labourers lodging there,

—or for neceſſary occaſions to be allowed by two Juſtices,)

—ſhall forfeit 10*s.*

this preſent Seſſion of Parliament, any Inn-keeper, Victualler or Alehouſe-keeper within this Realm of England, or the Dominions of Wales, do permit or ſuffer any perſon or perſons inhabiting and dwelling in any City, Town Corporate, Market Town, Village or Hamlet within this Realm of England, or Dominion of Wales, where any ſuch Inn, Alehouſe or Tipling-houſe is or ſhall be, to remain or continue drinking or tipling in the ſaid Inn, Victualling-houſe, Tipling-houſe or Ale-houſe, other then ſuch as ſhall be invited by any Traveller, and ſhall accompany him only during his neceſſary abode there; and other then Labouring and Handicrafts-men in Cities and Towns Corporate, and Market Towns, upon the uſual working days, for one hour at dinner time, to take their Diet in an Ale-houſe; and other then Labourers and Workmen, which for the following of their work by the day, or by the great, in any City, Town Corporate, Market-Town or Village, ſhall, for the time of their ſaid continuing in work there, Sojourn, Lodge or Victual in any Inn, Alehouſe or other Victualling-houſe; and other then for urgent and neceſſary occaſions to be allowed by two Juſtices of the Peace: That then every ſuch Inn-keeper, Victualler or Alehouſe-keeper, ſhall for every ſuch offence, forfeit and loſe the ſum of Ten ſhillings of currant money of England, to the uſe of the poor of the Pariſh where ſuch offence ſhall be committed; the ſame offence being viewed and ſeen by any Mayor, Bailiff or Juſtice of the Peace within their ſeveral limits, or proved by the oath of two Witneſſes, to be taken by any Mayor, Bailiff, or any other Head Officer, or any one or more Juſtice or Juſtices of the Peace, who by vertue of this Act, ſhall be authorized to miniſter the ſaid Oath to any perſon or perſons that can or will juſtifie the ſame, being within the limits of their ſaid Commiſſion.

—to be levied by diſtreſs;

—for want whereof, the Party ſhall be committed to Gaol.

III. And be it further enacted by the authority aforeſaid, That if any Inn-keeper, Alehouſe-keeper or Victualler, ſhall at any time utter or ſell leſs then one full Ale quart of the beſt Beer or Ale for a peny, and of the ſmall, two quarts for one peny, That then every ſuch Inn-keeper, Alehouſe-keeper, or Victualler, ſhall forfeit for every ſuch offence being duly proved in manner above limited, the ſum of Twenty ſhillings of lawful money of England, to the uſe aboveſaid; All and every the ſaid penalties to be levied by the Conſtables or Churchwardens of the Pariſh or Pariſhes where the offence or offences ſhall be committed, by way of diſtreſs to be taken and detained for the ſaid forfeitures, and for default of ſatisfaction within ſix days next enſuing, the ſame then to be preſently appriſed and ſold, and the ſurpluſage or remainder over and above, to be delivered to the party of whom the diſtreſs was taken; and for want of ſufficient diſtreſs, the party or parties offending to be by the Mayor, Bailiff, or other Head-officer, or Juſtice or Juſtices aforeſaid, committed to the common-Gaol, there to remain until the ſaid penalty or penalties be truly paid.

Conſtables, &c. neglecting to levy the penaltie ſhall forfeit 40*s.*

—to be levied upon them by diſtreſs;

—for want whereof, the Party ſhall be committed to Gaol.

IV. And be it further enacted by the authority aforeſaid, That if the Conſtables or Church-wardens do neglect their duty in levying, or do not levy the ſaid ſeveral penalties, or in default of diſtreſs or diſtreſſes, from time to time do neglect to certifie the ſame default of diſtreſs, by the ſpace of twenty days then next enſuing, to the Mayor, Bailiff, or other Head Officer, or Juſtice of Peace, within whoſe Juriſdiction the offence is committed, Then every perſon and perſons ſo offending, ſhall forfeit for every ſuch default, the ſum of Fourty ſhillings of currant money of England, to the uſe of the poor of the Pariſh where ſuch offence ſhall be committed, to be levied by way of diſtreſs of the offendors goods, by Warrant from any one or more Juſtice or Juſtices of the Peace, Mayor, Bailiff, or other Head-Officer within the limits of their Juriſdictions reſpectively, under his or their Hand and Seal, to be taken and detained for the ſaid Forfeitures, for the ſpace of ſix days then next enſuing: Within which time if payment be not made, the ſame goods to be preſently appriſed and ſold, and the ſurpluſage and remainder over and above (if any be) to be delivered to the Party of whom the diſtreſs was taken; and for want of ſuch ſufficient diſtreſs, the Conſtable, Church-warden, or Church-wardens ſo offending, to be by the Mayor, Bailiff, or other Head-Officer, Juſtice or Juſtices of Peace, committed to the common Gaol, there to remain until the ſaid penalty or penalties be truly paid; for all which penalties which ſo ſhall be levied by the ſaid Conſtables or Churchwardens, they the ſaid Conſtables and Churchwardens ſhall be accomptable to their Succeſſors and other the Pariſhioners, in ſuch ſort as they uſually be in other Church-reckonings or accompts: And for all Forfeitures to be levied by reaſon of any neglect of the Conſtables or Church-wardens, thoſe ſhall be accomptable, who by force of any Warrant or Precept do levy the ſame, or upon the enlargement of the perſons committed, do receive the ſame.

All Laws touching Inn-keepers, &c. ſhall be put in Execution.

V. And be it further enacted, That all other Laws and Statutes touching Inn-keepers, Victuallers, and Alehouſe-keepers, ſhall ſtill remain in their former force, and be put in due execution. This Act to continue to the end of the firſt Seſſion of the next Parliament. †

Proviſo, for the two Univerſities, to have the Execu-

VI. Provided always, and be it enacted by the authority of this preſent Parliament, That the correction and puniſhment of ſuch as ſhall offend againſt this Act, or any part thereof, within either of the two Univerſities of this Realm, or the

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* It is made *perpetual*, afterwards, by 21 Jac. I. c. 7.

Precincts or Liberties of the ſame, ſhall be done upon the offendors, and Juſtice ſhall be miniſtred in this behalf, according to the intent and true meaning of this Law, by the Governors, Magiſtrates, Juſtices of the Peace, or other principal Officers of either of the ſame Univerſities, to whom in other caſes the adminiſtration of Juſtice, and correction and puniſhment of Offendors by the Laws of this Realm and their ſeveral Charters doth belong or appertain, and that no other within their Liberties, for any matter concerning this Law, contrary to their ſeveral Charters, do intermeddle; and that all penalties and ſums of money to be forfeited or loſt by force of this Act, within either of the Univerſities, or the Liberties, or Precincts of the ſame, ſhall be levied by the Officers or Miniſters of either of the ſaid Univerſities, to be from time to time in that behalf appointed by the Vice-Chancellors thereof for the time being reſpectively; and that all powers and authorities either of impriſonment, or otherwiſe, before given or appointed by this Act, ſhall by the Governors, Magiſtrates and Principal Officers aboveſaid, of either of the ſaid Univerſities, be duly executed and done within either of the ſaid Univerſities, and the Liberties and Precincts of the ſame, according to the true intent and meaning of this Act.

tion of this Act, within their Liberties;

—and that all penalties be levied by Officers appointed by the Vice Chancellors.

A.D.1606.

4 Jac. I. Cap. 5.

An Act for repreſſing the odious and loathſom Sin of Drunkenneſs.

Whereas the loathſom and odious Sin of Drunkenneſs is of late grown into common uſe within this Realm, being the root and foundation of many other enormous ſins, as bloudſhed, ſtabbing, murder, ſwearing, fornication, adultery, and ſuch like, to the great diſhonour of God, and of our Nation, the overthrow of many good Arts and manual Trades, the diſabling of divers Workmen, and the general impoveriſhing of many good ſubjects, abuſively waſting the good creatures of God:

The Miſchiefs of Drunkenneſs, being many and great,

II. Be it therefore enacted by the Kings moſt excellent Majeſty, the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and every perſon or perſons, which after fourty days next following the end of this preſent Seſſion of Parliament, ſhall be drunk, and of the ſame offence of drunkenneſs ſhall be lawfully convicted, ſhall for every ſuch offence forfeit and loſe five ſhillings of lawful money of England, to be paid within one week next after his, her, or their conviction thereof, to the hands of the Churchwardens of that Pariſh where the offence ſhall be committed, who ſhall be accomptable therefore to the uſe of the poor of the ſame Pariſh: And if the ſaid perſon or perſons ſo convicted, ſhall refuſe or neglect to pay the ſaid forfeiture as aforeſaid, then the ſame ſhall be from time to time levied of the goods of every ſuch perſon or perſons ſo refuſing or neglecting to pay the ſame, by Warrant or precept from the ſame Court, Judge or Juſtices before whom the ſame conviction ſhall be: And if the offender or offenders be not able to pay the ſaid ſum of five ſhillings, then the offender or offenders ſhall be committed to the Stocks for every offence, there to remain by the ſpace of ſix hours.

Enacted, that,

—any perſon, being convicted of Drunkenneſs, ſhall forfeit 5 *s.* to the uſe of the Poor,

—(to be levied, in caſe of Refuſal, of his Goods;)

—or, not being able to pay, ſhall ſit 6 hours in the Stocks.

III. And be it further enacted by the authority aforeſaid, That if any Conſtable, or any other inferiour Officer of that Pariſh or place where the offence ſhall be committed, to whom that ſhall be given in charge by the precept of any Mayor, Bailiff, or other Head-officer, or Juſtices of the Peace within their ſeveral limits, do neglect the due correction of the ſaid offender, or the due levying of the ſaid penalties, where diſtreſs may be had; then every perſon ſo offending, ſhall forfeit the ſum of ten ſhillings of currant money of England, to the uſe of the poor of the ſame Pariſh or place where the offence ſhall be committed, to be levied by way of diſtreſs, by any other perſon or perſons having Warrant from any Mayor, Bailiff, or other Head-officer, Juſtices of Peace, or Court where any ſuch conviction ſhall be, and to be paid to the Churchwardens as before limited, who are alſo to accompt for the ſame to the uſe aforeſaid.

Conſtables *&c.* neglecting their Duty, ſhall forfeit 10 *s.*

IV. And be it further enacted by the authority aforeſaid, That if any perſon or perſons within this Realm of England, or the Dominions of Wales, ſhall remain or continue drinking or tipling in any Inn, Victualling-houſe or Ale-houſe, being in the ſame City, Town, Village or Hamlet wherein the ſaid perſon or perſons (ſo remaining drinking or tipling) doth dwell and inhabit at the time of ſuch drinking and tipling; and the ſame being viewed and ſeen by any Mayor, or other Head-officer, Juſtice or Juſtices of Peace within their ſeveral Limits, or duly proved in ſuch manner and form as is limited in and by one Act of Parliament made in the firſt Seſſion of this preſent Parliament, entituled, An Act to reſtrain the inordinate haunting and tipling in Inns, Ale-houſes, and other Victualling-houſes, unleſs it be in ſuch caſe or caſes as be tolerated or excepted in the ſaid Act; That then every perſon or perſons

Any Perſon who ſhall continue drinking in an Inn, *Drunkenneſs.*

—(unleſs in caſes tolerated by 1 *Jac.* 1. c. 1.)
—ſhall forfeit 3 *s.* 4 *d.* for the uſe of the poor,

—or ſit 4 hours in the Stocks.

ſons ſo offending, ſhall forfeit and loſe for every ſuch offence, the ſum of three ſhillings and four-pence of currant Money of England, to the uſe of the poor of the Pariſh where the ſaid offence ſhall be committed; to be levied by way of diſtreſs, in ſuch manner and form as is before appointed by this Act, for the levying of the penalty of five ſhillings for being drunk: And if it happen that any offender or offenders againſt the true intent of this clauſe or branch, being thereof lawfully convicted, be not able to pay the ſaid Forfeiture or Forfeitures, then it ſhall and may be lawful for any Mayor, Bailiff, or other Head-officer, Juſtice or Juſtices of Peace, or Court where any ſuch conviction ſhall be, to puniſh the ſaid offender or offenders by ſetting him, her, or them in the Stocks for every ſuch offence, by the ſpace of four hours.

Offences againſt this Act ſhall be preſented at the Aſſiſes, Quarter-Seſſions, and to Head-Officers, and Court Leets.

V. For the more due execution of this Statute, and for the better and more due proceeding againſt ſuch offenders, all offences of drunkenneſs, and of exceſs and unmeaſurable drinking, Be it further enacted by the authority of this preſent Parliament, That all the offences in this Act, and in the ſaid former Act mentioned, ſhall be from time to time diligently enquired of, and preſented before the Juſtices of Aſſiſes in their Circuit, Juſtices of the Peace in their quarter or ordinary Seſſions, and before the Mayors, Bailiffs, or other Head-officers of every City or Town Corporate, who have power to enquire of Treſpaſſes, Riots, Routs, Forces, and ſuch like offences; and in every Court-Leet: and thereupon ſuch due proceeding ſhall be againſt the Offendor and Offendors for their due conviction in that behalf, as in ſuch like caſes upon any indictment or preſentment is uſed by the Laws of the Realm, or Cuſtoms of the City, Town or Place, where ſuch preſentment or indictment ſhall be enquired of and found.

Any Perſon offending a 2d time, ſhall be bound to good behaviour in a recognizance of 10 *l.*

VI. And it is further enacted by the authority aforeſaid, That if any perſon or perſons being once lawfully convicted of the ſaid offence of drunkenneſs, ſhall after that be again lawfully convicted of the like offence of drunkenneſs, That then every perſon and perſons ſo ſecondly convicted of the ſaid offence of drunkenneſs, ſhall be bounden with two Sureties to our Sovereign Lord the Kings Majeſty, his heirs and ſucceſſors, in one Recogniſance or Obligation of ten pounds, with condition, to be from thenceforth of good behaviour.

All Conſtables, *&c.* ſhall be charged to preſent Offences againſt this Act.

VII. Be it further enacted by the authority aforeſaid, That all Conſtables, Churchwardens, Headboroughs, Tythingmen, Alecunners, and Sidemen, ſhall, in their ſeveral Oaths incident to their ſeveral Offices, be charged in like ſort to preſent the offences contrary to this Statute.

Proviſo, for Eccleſiaſtical Courts, to proceed againſt this Vice, as before;

VIII. Provided always, That this Act, or any thing therein contained, do not in any wiſe abridge or reſtrain the Eccleſiaſtical power or juriſdiction, but that all Ordinaries, and other Eccleſiaſtical Judges and Officers, ſhall and may proceed to enquire of, cenſure, and puniſh all ſuch Offendors according to the Eccleſiaſtical Laws of this Realm, in ſuch manner and form as before they might lawfully do; any thing in this Act to the contrary notwithſtanding.

—but none ſhall be twice puniſhed for the ſame Offence.

IX. Provided alſo, That when any of the Offendors againſt the true intent of this Act, or any branch or article thereof, hath been once puniſhed or corrected for his or her offence, by any the ways and means before limited; That then the ſaid offendor ſhall not be eftſoons puniſhed or corrected for the ſame offence by any other ways or means.

Proviſo, for the Juriſdiction of the Univerſities.

X. Provided always, That this Act, or any thing therein contained, ſhall not be prejudicial to either of the two Univerſities of this Land, but that the Chancellor, Maſters and Scholars, and the Succeſſors of them, and either of them, may as fully uſe and enjoy all their Juriſdictions, Rights, Priviledges and Charters, as heretofore they have or might have done; any thing in this Act to the contrary notwithſtanding.

Proſecutions ſhall be within ſix months.

This Act ſhall continue till the next Parliament.

XI. Provided always, That no perſon or perſons ſhall be puniſhed, impeached, or moleſted for any offence mentioned in this Statute, unleſs he ſhall be for the ſame offence preſented, indicted, or convicted within ſix months after ſuch offence committed. This Act to continue until the end of the firſt Seſſion of the next Parliament.

21 Jac. I. Cap. 28.

A.D. 1623.

In an Act, Entituled, *An Act for continuing and Reviving of divers Statutes,* &c.

Reviver, and Continuation of the foregoing Act.

—— Another, intituled, An Act for the repreſſing the odious and loathſom Sin of Drunkenneſs: —— ſhall by virtue of this Act be adjudged, ever ſince the Seſſion of Parliament in the ſeventh year of his Majeſties Reign of England, to have been of ſuch force and effect, as the ſame was the laſt day of that Seſſion, and from thenceforth until the end of the firſt Seſſion of the next Parliament.

A.D.1609.

7 Jac. I. Cap. 10.

Act Act for the Reformation of Alehouſe-keepers.

WHereas notwithſtanding all former Laws and Proviſions already made, the inordinate and extreme vice of exceſſive Drinking and Drunkenneſs doth more and more abound, to the great offence of Almighty God, and the waſteful deſtruction of Gods good Creatures, Be it enacted by the authority of this preſent Parliament, That if any perſon being an Alehouſe-keeper (after ſix Weeks next enſuing this preſent Seſſion of Parliament) ſhall be lawfully convicted for any offence or offences committed againſt any of the branches of two former Acts of Parliament made ſithence the beginning of this preſent Parliament, the one entituled, An Act to reſtrain the inordinate haunting and tipling in Inns, Alehouſes, and other Victualling-houſes; the other, entituled, An Act againſt the odious and loathſom ſin of drunkenneſs: that then every perſon or perſons ſo convicted, ſhall, for the ſpace of three years next enſuing the ſaid Conviction, be utterly diſabled to keep any ſuch Alehouſe.

Any Ale-houſe-keeper offending againſt 1 *Jac.* 1. or 4 *Jac.* 1.

—ſhall be diſabled for 3 years to keep an Alehouſe.

A.D.1623.

21 Jac. I. Cap. 7.

An Act for the better repreſſing of Drunkenneſs, and reſtraining the inordinate haunting of Inns, Ale-houſes, and other Victualling-houſes.

WHereas one Statute, intituled, An Act to reſtrain the inordinate haunting or tipling in Inns, Alehouſes, and other Victualling-houſes, made in the firſt year of his Highneſs happy Reign of England; And another Statute, intituled, An Act to repreſs the odious and lothful Sin of Drunkenneſs made in the fourth year of his Highneſs Reign of England, were made to continue to the end of the firſt Seſſion of the next Parliament, and by experience have been found good and neceſſary Laws, Be it therefore enacted, That the ſaid Statutes with the alterations and additions hereafter expreſſed, ſhall be put in due execution, and continue for ever: And whereas by the ſaid Statutes, proof of two witneſſes is required, Be it enacted, That proof of one witneſs from henceforth ſhall be allowed and taken for ſufficient in that behalf: And that the voluntary confeſſion (before any ſuch perſons as by the ſaid Act are authorized to miniſter the Oath) of any perſon offending either of the ſaid Statutes, ſhall ſuffice to convince the perſon ſo offending; and after ſuch confeſſion, the Oath of the party ſo offending, ſhall and may be taken, and be a ſufficient proof againſt any other offending at the ſame time.

Stat. 1 *Jac.* c. 1. and 4 *Jac.* c. 5. ſhall be perpetual.

—but Enacted, that now,
—one Witneſs ſhall ſuffice, or the confeſſion of the Offender,
—who alſo may be witneſs againſt any other.

II. And be it further enacted, That if any other perſon or perſons, whereſoever his or their habitation or abiding be, ſhall at any time hereafter be found upon view, or his own Confeſſion, or proof of one Witneſs, to be tipling in any Inn, Alehouſe, or Victualling-houſe; ſuch perſon or perſons ſhall be from henceforth adjudged and conſtrued to be within the ſaid Statutes, as if he or they had inhabited and dwelt in the City, Town-corporate, Market-town, Village or Hamlet where the ſaid Inn, Alehouſe or Victualling-houſe is, or ſhall be, where he or they ſhall be found tipling, and ſhall incur the like penalty, and the ſame to be in ſuch ſort levied and diſpoſed, as in the ſaid Act is expreſſed, concerning ſuch as there inhabit: and the voluntary confeſſion of ſuch perſon or perſons ſo offending, before ſuch as by the ſaid Statutes are authorized to miniſter the Oath, ſhall ſuffice to convince themſelves, and after ſuch confeſſion, the Oath of ſuch perſon or perſons ſo confeſſing, ſhall and may be taken by ſuch as by the ſaid Act have authority to miniſter an Oath, and ſhall be a ſufficient proof againſt any other offending at that time.

Perſons tipling in any Inn, *&c.* ſhall be within the ſaid Statutes, as if inhabiting in the ſame place.

III. And be it further enacted, That any Juſtice of Peace in any County, and any Juſtice of Peace or other Head-officer in any City or Town-corporate, within their Limits reſpectively, ſhall from henceforth have power and authority, upon his own view, confeſſion of the party, or proof of one witneſs upon Oath before him, which he by vertue of this Act ſhall have power to adminiſter, to convince any perſon of the offence of Drunkenneſs, whereby ſuch perſon ſo convict ſhall incur the Forfeiture of five Shillings for every ſuch offence, and the ſame to be levied, or the Offendor otherwiſe puniſhed, as in the ſaid Statute is appointed: And for the ſecond offence, he ſhall become bound to the good Behaviour, as if he had been convicted in open Seſſions; any thing in the ſaid former Statute made in the fourth year of his Majeſties Reign to the contrary notwithſtanding.

Offenders againſt this Act by Drunkenneſs, being Convicted before any Juſtice, ſhall forfeit 5 *ſ.*

—and for the ſecond offence, be bound to good behaviour.

IV. And be it further enacted, That if any perſon being an Alehouſe-keeper, or that ſhall at any time hereafter be an Alehouſe-keeper, ſhall at any time hereafter be lawfully convict for any offence againſt any the branches of either of the ſaid two former Statutes, according to the alterations and additions therein contained,

Ale-houſe keepers offending againſt the two ſaid Acts, ſhall be diſabled for three years.

Drunkenneſs.

or againſt the true meaning of this preſent Statute, That every perſon ſo convict, ſhall for the ſpace of three years next enſuing the ſaid conviction, be utterly diſabled to keep any ſuch Alehouſe.

Conſtables, &c. ſhall preſent Offences againſt 1 *Jac.* c. 1. as well as againſt 4 *Jac.* c. 5.

V. And whereas in the ſaid Statute made in the fourth year of his ſaid Majeſties Reign, intituled, An Act to repreſs the odious and loathſom Sin of Drunkenneſs; Conſtables, Church-wardens, Headboroughs, Tithingmen, Ale-conners, and Sidemen, are appointed in the Oaths incident to their Offices, to be likewiſe charged to Preſent the offences contrary to the ſaid Statute: Be it enacted, That the ſaid Oath ſhall always hereafter be alſo enlarged, and extend to Preſent all offences done contrary to the Statute made in the firſt Seſſion of Parliament held in the firſt year of his Highneſs Reign, intituled, An Act to reſtrain the inordinate haunting and tipling in Inns and Alehouſes, and other Victualling-houſes, with the alterations and additions in this Act contained, made in the ſaid fourth year of his ſaid Majeſties Reign, according to the alterations and additions of the ſame in this Act expreſſed.

1 Car. I. Cap. 4.

A.D.1625.

An Act for the further reſtraint of tipling in Inns, Ale-houſes, and other Victualling-houſes.

Recital of 1, & 4 *Jac.* 1. concerning Inns, and Drunkenneſs;

WHereas in the laſt Parliament it was enacted, That if any perſon or perſons, whereſoever his or their habitation or abiding be, ſhould after be found upon view, or his own confeſſion, or proof of one witneſs, to be tipling in any Inne, Alehouſe, or Victualling-houſe; ſuch perſon or perſons ſhould be thenceforth adjudged and conſtrued to be within the Statutes of the firſt and fourth years of the late Kings Majeſties Reign, King James of famous Memory, The one entituled, An Act to reſtrain the inordinate haunting of tipling in Inns, Alehouſes and other Victualling-houſes; And the other entituled, An Act to repreſs the odious and loathſom ſin of Drunkenneſs; as if he or they had inhabited and dwelled in the City, Town-corporate, Market-Town, Village or Hamlet where the Inn, Alehouſe or Victualling-houſe was, or ſhould be, where he or they ſhould be ſo found tipling; ſhould incur the like penalty, and the ſame to be in ſuch ſort levied and diſpoſed as in the ſaid Act is expreſſed, concerning ſuch as there inhabit; but no puniſhment by any or either the ſaid Acts, or by any other Statute, is inflicted upon the Inn-keeper, Alehouſe-keeper, or Victualler that permits or ſuffers ſuch perſon or perſons not there inhabiting, to tipple in his Inn, Alehouſe or Victualling-houſe: For remedy whereof, Be it enacted, That every Inn-keeper, Alehouſe-keeper, and other Victualler, that at any time after the end of this Seſſion of Parliament, ſhall permit and ſuffer any perſon or perſons not inhabiting in the City, Town-Corporate, Market-Town, Village or Hamlet where ſuch Inne, Alehouſe or Victualling-houſe is or ſhall be, to tipple in the ſaid Inne, Alehouſe, or Victualling-houſe, contrary to the true intent of any or either of the ſaid former Statutes; the ſaid Inn-keeper, Alehouſe-keeper and Victualler ſo offending, ſhall incur the ſame penalty, and in ſuch manner to be proved, levied and diſpoſed, as in the former Statute of the firſt year of his ſaid late Majeſties Reign is appointed for permitting ſuch to tipple as dwell in the ſame City, Town-Corporate, Market-Town, Village or Hamlet.

—but no Act inflicting any puniſhment upon the Inn-keeper, in caſe of perſons who are not Inhabitants;
Enacted, that,
—Inn-keepers, &c. ſhall incur the ſame penalty, for ſuffering *Strangers* to tiple, as Inhabitants;

—and that Taverns ſhall be within the ſaid two Statutes.

II. And be it further enacted, That the keepers of Taverns, and ſuch as do ſell Wine in their houſes, and do alſo keep Inns, or Victualling in their houſes, ſhall be taken to be within the ſaid two former Statutes, and alſo within this Statute.

13 Car. II. Cap. 9.

A.D.1661.

In an Act Entituled, *An Act for the Regulating, and better Government of his Majeſties Navies.*

Drunkenneſs, in Seamen, may be puniſhed with Fine or impriſonment.

II. Every perſon and perſons in his Majeſties pay, uſing —— Drunkenneſs —— or other ſcandalous Actions —— ſhall be puniſhed by Fine, Impriſonment, or otherwiſe, as the Court-Martial ſhall think fit.

33 Henr. VIII.

An Act for the debarring of unlawful Games.

The Penalty for Maintenance of a Houſe for unlawful Games;

BE it alſo enacted by the Authority aforeſaid, That no manner of Perſon or Perſons of what Degree, Quality, or Condition ſoever he or they be, from the Feaſt of the Nativity of Saint John Baptiſt now next coming, by himſelf, Factor, Deputy,

Deputy, Servant, or other Perſon, ſhall, for his or their Gain, Lucre, or Living, keep, have, hold, occupy, exerciſe, or maintain, any common Houſe, Alley, or place of Bowling, Coyting, Cloyſh-Cayls, Half-Bowl, Tennis, Dicing Table, or Carding, or any other manner of Game prohibited by any Eſtatute heretofore made, or any unlawful new Game now invented or made, or any other new unlawful Game hereafter to be invented, found, had, or made, upon pain to forfeit and pay for every day keeping, having, or maintaining, or ſuffering any ſuch Game to be had, kept, executed, played, or maintained, within any ſuch Houſe, Garden, Alley, or other Place, contrary to the Form and Effect of this Eſtatute, Fourty Shillings.

—or for reſorting thereto.

And alſo every Perſon uſing and haunting any of the ſaid Houſes and Plays, and there playing, to forfeit for every time ſo doing, Sir Shillings Eight Pence.

A Placard to keep a Houſe of Gaming.

And if any Perſon hereafter ſue for any Placard, to have common Gaming in his Houſe, contrary to this Eſtatute, that then it ſhall be contained in the ſame Placard what Game ſhall be uſed in the ſame Houſe, and what Perſons ſhall play thereat, and every Placard granted to the contrary to be void; and alſo that the Party obtaining any ſuch Placard, before he put the ſame in execution, ſhall be bound with ſufficient Sureties with him by Recogniſance in the Chancery, in a certain Sum, to be appointed by the Diſcretion of the Lord Chancellor of England, that he ſhall not uſe the ſaid Placard contrary to the Form thereof.

Magiſtrates may repreſs unlawful Games, and puniſh the Offenders.

Be it further enacted by the authority aforeſaid, That it ſhall be lawful to all and every the Juſtices of Peace in every Shire, Mayors, Sheriffs, Bailiffs, and other Head Officers, within every City, Town and Borough within this Realm, from time to time, as well within Liberties as without, as need and caſe ſhall require, to come, enter, and reſort into all and every Houſes, Places, and Alleys where ſuch Games ſhall be ſuſpected to be holden, exerciſed, uſed, or occupied, contrary to the Form of this Eſtatute; and as well the Keepers of the ſame, as alſo the Perſons there haunting, reſorting, and playing, to take, arreſt, and impriſon, and them ſo taken and arreſted to keep in Priſon, until ſuch time as the Keepers and Maintainers of the ſaid Plays and Games have found Sureties to the King's Uſe, to be bound by recogniſance, or otherwiſe, no longer to uſe, keep, or occupy any ſuch Houſe, Play, Game, Alley, or Place; and alſo that the Perſons there ſo found, be in like caſe bound by themſelves, or elſe with Sureties, by the Diſcretion of the Juſtices, Mayors, Sheriffs, Bailiffs, or other Head Officers, no more to play, haunt, or exerciſe from thenceforth, in, at, or to any of the ſaid Places, or at any the ſaid Games.

Searching of Houſes where unlawful Games be kept.

Alſo be it further enacted by the Authority aforeſaid, That the Mayors, Sheriffs, Bailiffs, Conſtables, and other Head Officers within every City, Borough, or Town within this Realm, where any ſuch Officers ſhall fortune to be, as well within the Franchiſes as without, ſhall make due Search weekly, or, at the furtheſt, at all times hereafter once every Month, in all Places where any ſuch Houſes, Alleys, Plays, or Places ſhall be ſuſpected to be had, kept, and maintained. And if the ſaid Mayors, Sheriffs, Bailiffs, Conſtables, and other Head Officers, within their Cities, Boroughs, and Towns, as well within Franchiſes as without, do not make due Search at the furtheſt once every Month, if the caſe ſo require, according to the Tenor of this Act, and do not execute the ſame in all things according to the Purport and force of the ſame, that then every ſuch Mayor, Sheriffs, Bailiffs, Conſtable, or other Head Officer, to pay and forfeit for every Month not making ſuch Search, nor executing the ſame, Fourty Shillings.

Perſons prohibited to play at unlawful Games out of *Chriſtmas.*

Be it alſo enacted by the Authority aforeſaid, That no manner of Artificer or Craftman of any Handy-craft or Occupation, Husbandman, Apprentice, Labourer, Servant at Husbandry, Journeyman or Servant of Artificer, Mariners, Fiſhermen, Watermen, or any Serving-man, ſhall, from the ſaid Feaſt of the Nativity of Saint John Baptiſt, play at the Tables, Tennis, Dice, Cards, Bowls, Claſh, Coyting, Logating, or any other unlawful Game, out of Chriſtmas, under the Pain of Twenty Shillings to be forfeit for every time; and in Chriſtmas to play at any of the ſaid Games in their Maſters Houſes, or in their Maſters Preſence. And alſo that no manner of Perſons ſhall at any time play at any Bowl or Bowls in open places out of his Garden or Orchard, upon the pain for every time ſo offending to forfeit Sir Shillings and Eight Pence. And that all Juſtices of Peace, Mayors, Bailiffs, Sheriffs, and all other Head Officers, and every of them, finding or knowing any manner of Perſon or Perſons uſing or exerciſing any unlawful Games, contrary to this preſent Statute, ſhall have full Power and Authority to commit every ſuch Offender to Ward, there to remain without Bail or Mainpriſe, until ſuch time that they ſo offending be bounden, by Obligation to the King's Uſe, in ſuch Sums of Money, as by the Diſcretion of the ſaid Juſtices, Mayors, Bailiffs, or other Head Officers, ſhall be thought reaſonable, that they, or any of them, ſhall not from henceforth uſe ſuch unlawful Games.

Playing at Bowls.

Offenders to be committed to Priſon.

Suits on this Statute, when to be commenced.

Be it further enacted by the Authority aforeſaid, That all other Statutes made for the Reſtraint of unlawful Games, or for the Maintenance of Artillery, as touching the Penalties or Forfeitures of the ſame, ſhall be from henceforth utterly void. And that all Informations, Plaints, Actions or Suits, that ſhall be taken or ſued upon any part of this Statute, ſhall be commenced within the Year after the Offence committed and done, or otherwiſe no Advantage or Suit thereof to be taken.

Forfeitures, how to be diſpoſed of.

And where any ſuch Forfeitures ſhall happen to be found within the Precinct of any Franchiſe, Leet, or Lawday, then the Lord of the ſame Franchiſe, Leet, or Lawday, to have the one Moyety thereof, and the other Moyety thereof to any of the King's Subjects that will ſue for the ſame in any of the King's Courts, by Action, Information, Bill, or otherwiſe, in which Action or Suit the Defendant ſhall not be admitted to wage his Law, nor any Protection or Eſſoin ſhall be allowed: And where ſuch Forfeiture ſhall be found out of the Precinct of any Franchiſe, Leet, or Lawday, that the Moyety of all ſuch Forfeitures ſhall be to the King our Sovereign Lord, and the other Moyety thereof to any the King's Subjects that will ſue for the ſame by Bill, Plaint, Action, Information, or otherwiſe, in any the King's Courts, in which Suit or Action the Defendant ſhall not be admitted to wage his Law, nor any Protection or Eſſoin ſhall be allowed.

This Statute to be proclaimed in Markets.

And to the intent that every Perſon may have Knowledge of this Act, and avoid the Danger and Penalties of the ſame, be it enacted by the Authority aforeſaid, That all Mayors, Bailiffs, Sheriffs, and all other Head Officers, ſhall Four times in the Year, that is to ſay, every Quarter once, make open Proclamation of this preſent Act, in every Market to be holden within their ſeveral Juriſdictions and Authorities.

Aſſiſes and Seſſions.

And alſo that the Juſtices of Goal-delivery, Aſſiſes, and Juſtices of Peace, do cauſe the ſame to be proclaimed in their ſeveral Circuits and Seſſions before them holden, and that this Statute ſhall begin to take his Effect, concerning the Penalties of the ſame, from the ſaid Feaſt of Saint John Baptiſt now next coming, and to continue and endure for ever.

Leaſes of Houſes where unlawful Games be uſed.

Provided alway, and be it enacted by the Authority aforeſaid, That if any Perſon or Perſons having taken by Leaſe, whether it be by Word, Writing, or otherwiſe, any Houſe, Alley, or Place, wherein any ſuch unlawful Game now is, and, at the time of ſuch Leaſe made, was uſed, that then every ſuch Leſſee ſhall, at the liberty of him or them to whom ſuch Leaſe is made, their Executors, Adminiſtrators, or Aſſigns, from the ſaid Feaſt of the Nativity of Saint John Baptiſt, be utterly void, except it be for Breach of Covenants or Agreements, or Payment of Rent due, or to be due at the ſaid Feaſt, or any time before, ſo that then at the ſame Feaſt, or within One Month next after the ſame, the ſaid Leſſee give knowledge to ſuch Leſſor or Leſſors, their Heirs and Aſſigns, that he will no longer occupy the ſame, and that then it ſhall be lawful to the Inheritor, Leſſor, or Owner thereof, or to his Heirs or Aſſigns, in the ſame Houſe, Alley, or Place, to re-enter.

The Servant by Licence may play with his Maſter.

Provided alſo, and be it enacted by the Authority aforeſaid, That it ſhall be lawful for every Maſter to licenſe his or their Servants, to play at Cards, Dice, or Tables with their ſaid Maſter, or with any other Gentleman repairing to their ſaid Maſter, openly in his or their houſe, or in his or their Preſence, according to his or their Diſcretion. And that it ſhall be lawful to every ſuch Servant, for every time ſo being commanded or licenſed by his ſaid Maſter, as is aforeſaid, to play at Cards, Dice, or Table, with his ſaid Maſter, or other Gentlemen ſo to him repairing; any thing in this Act to the contrary notwithſtanding.

In what caſes Servants may play at Dice, Cards, Tables, Bowls, or Tennis.

Provided alſo, and be it enacted by the Authority aforeſaid, That it ſhall be lawful to every Nobleman, and other, having Manors, Lands, Tenements, or other yearly Profits, for Term of Life in his own Right, or in his Wives Right, to the yearly Value of a Hundred Pound, or above, to command, appoint, or licenſe by his or their Diſcretion, his or their Servants, or Family of his or their Houſe or Houſes, for to play within the Precinct of his or their Houſes, Gardens, or Orchards, at Cards, Dice, Tables, Bowls, or Tennis, as well amongſt themſelves, as other repairing to the ſame Houſe or Houſes; and that they ſo playing by Commandment, Appointment, or Licence, as is aforeſaid, ſhall not incur any Danger or Penalty contained in this Act for the ſame; this Act, or any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

Suits, depending at this time upon any Statute, repealed.

Provided alway, and be it enacted by the Authority aforeſaid, That all Informations, Actions and Suits now depending in any of the King's Courts, for, or concerning any Penalty or Forfeiture contained in any of the ſaid Statutes, by this Act repealed, and no Judgment therein yet given, the ſame Informations, Actions, and Suits, ſhall be, remain, and ſtand as good and effectual in the Law, to all Intents, Conſtructions, and Purpoſes, as if this Act had never been had ne made; any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

TIT. XLVIII.

Temporal PERSONS and MATTERS, of Spiritual COGNISANCE and CONCERN.

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CAP. I.

PHYSICIANS *and* SURGEONS.

A.D. 1230. 15 *H.* 3.

RICARDUS.

Sub pœna anathematis, Medicus nil ſuadeat ægroto pro ſalute corporis contra ſalutem animæ, quam primùm intendat & ſolicitet.

Phyſicians and Surgeons.

Lyndw. Edit. Oxon. p. 330.

CUM anima longe pretioſior ſit corpore, ſub interminatione anathematis prohibemus, ne quis medicorum pro ſalute corporali aliquid ſuadeat ægroto quod in periculum animæ convertatur. Verum cum ipſum ad ægrum vocari contigerit, ægrum ante omnia moneat efficacitèr & inducat, ut medicos invocet animarum; ut poſtquam fuerit infirmo de ſpirituali proviſum medicamine, ad corporalis medicinæ remedium ſalubrius procedatur. Tranſgreſſores autem hujuſmodi Conſtitutionis pœnam in *a* Concilio ſtatutam non evadant.

Phyſicians ſhall preſcribe nothing to the Hazard of the Soul,

—but ſhall admoniſh the Patient to ſend for the Phyſician of the Soul.

a Concilio] *Scil. Generali Lateranen' ſub Innocentio tertio; ubi pœna eſt,* Tamdiu ab *Ingreſſu Eccleſiæ* arceatur, donec pro tranſgreſſione hujuſmodi ſatisfecerit competenter.

Extra l. 5. t. 38. c. 13.

Conſtitutionem integram è Corpore Juris Canonici ſubjungemus: *Cùm infirmitas corporalis nonnnnquam ex peccato proveniat, dicente Domino languido, quem ſanaverat: (vade & ampliùs noli peccare, ne deteriùs aliquid tibi contingat.) Præſenti decreto ſtatuimus, & diſtrictè præcipimus Medicis corporum, ut cùm eos ad infirmos vocari contigerit, ipſos ante omnia moneant, & inducant, ut Medicos advocent animarum: ut poſtquam fuerit infirmo de ſpirituali ſalute proviſum, ad corporalis medicinæ remedium ſalubriùs procedatur: cùm, cauſâ ceſſante, ceſſet effectus. Hoc quidem, inter alia, huic cauſam dedit edicto, quòd quidam in ægritudinis lecto jacentes, cùm eis à Medicis ſuadetur, ut de animarum ſalute diſponant, in deſperationis articulum incidunt, unde faciliùs mortis periculum incurrunt. Si quis autem Medicorum, hujus noſtræ conſtitutionis, poſtquam per Prælatos locorum fuerit publicata, transgreſſor extiterit, tandiu ab ingreſſu Eccleſiæ arceatur, donec pro tranſgreſſione hujuſmodi ſatisfecerit competenter. Cæterùm cùm anima ſit multò pretioſior corpore, ſub interminatione anathematis prohibemus, ne quis Medicorum pro corporali ſalute aliquid ægroto ſuadeat, quod in periculum animæ convertatur.*

3 Henr. VIII. Cap. 11.

An Act for the appointing of Phyſicians and Surgeons.

The great abuſe of Phyſick, and Surgery, by ignorant perſons, being very deſtructive,

TO the King our Sovereign Lord, and to all the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled: Foraſmuch as the Science and cunning of Phyſick and Surgery (to the perfect knowledge whereof be requiſite both great learning and ripe experience) is dayly within this Realm exerciſed by a great multitude of ignorant perſons, of whom the greater part have no manner of inſight in the ſame, nor in any other kind of Learning: ſome alſo can no Letters on the Book, ſo far forth that common Artificers, as Smiths, Weavers, and Women boldly and accuſtomably take upon them great Cures, and things of great difficulty: in the which they partly uſe Sorcery and Witchcraft, partly apply ſuch Medicines unto the Diſeaſe, as be very noious, and nothing meet therefore, to the high diſpleaſure of God, great infamy to the Faculty, and the grievous hurt, damage, and deſtruction of many of the Kings liege people; moſt eſpecially of them that cannot diſcern the uncunning from the cunning: Be it therefore (to the ſurety and comfort of all manner people) by the authority of this preſent Parliament enacted, That no perſon [aa] within the City of London, nor within ſeven miles of the ſame, take upon him to exerciſe and occupy as a Phyſician or Surgeon, except he be firſt examined, approved, and admitted [b] by the Biſhop of London, or by the Dean of Pauls, for the time being, calling to him or them four Doctors of Phyſick, and for Surgery, other expert perſons in that Faculty: and for the firſt examination ſuch as they ſhall think convenient, and afterward alway four of them that have been ſo approved: upon the pain of Forfeiture for every month that they do occupy as Phyſicians or Surgeons not admitted nor examined after the Tenour of this Act, of v li. to be imployed the one half thereof to the uſe of our Sovereign Lord the King, and the other half thereof to any perſon that will ſue for it by Action of Debt, in which no wager of Law nor Protection ſhall be allowed.

Enacted, that, — No Perſon in *London*, or within ſeven miles, ſhall practiſe Phyſick or Surgery, unleſs Licenſed by the Bp. of *London*, or Dean of St. *Paul's*; — upon pain to forfeit 5 *l. per* month:

II. And over this, That no perſon out of the ſaid City and Precinct of ſeven miles of the ſame, except he have been (as is aforeſaid) approved in the ſame, take upon him to exerciſe and occupy as a Phyſician or Surgeon, in any Dioceſs within this Realm, but if he be firſt examined and approved by the Biſhop of the ſame Dioceſs, or he being out of the Dioceſs, by his Vicar-general: either of them calling to them ſuch expert perſons in the ſaid Faculties, as their diſcretion ſhall think convenient, and giving their Letters Teſtimonials under their Seal to him, that they ſhall ſo approve, upon like pain to them that occupy contrary to this Act (as is abovesaid) to be levied and employed after the form before expreſſed.

— nor ſhall any perſon practiſe Phyſick or Surgery, *out* of the precinct of 7 miles, till Licenſed by the Biſhop.

III. Provided alway, That this Act nor any thing therein contained, be prejudicial to the Univerſities of Oxford or Cambridge, or either of them, or to any Privileges granted to them.

Proviſo for the Privileges of the Univerſities.

1 Raymond, p. 472.

[aa] **Within the City of** London, *&c.*] In the caſe of the College of Phyſicians verſus *Levet*; it was ruled by *Holt*, upon conſideration of all the Statutes relating to that matter, that tho' *Levet* was a graduate Doctor of *Oxford*, he could not practice within *London*, or ſeven miles round, without Licence of the College of Phyſicians.

[b] **By the Biſhop of** London, *&c.*] Afterwards, by Stat. 14 & 15 *H.* 8. c. 5. it was Enacted, That none ſhould practiſe Phyſick in the City of *London*, or ſeven Miles round, but who ſhould be firſt Licenſed under the Common Seal of the *Preſident and College of Phyſicians.*

14, 15 Henr. VIII. Cap. 5.

In an Act Entituled, *The Privileges and Authority of Phyſicians in London.*

Phyſicians to be Licenſed in any Dioceſe, ſhall firſt be approved by the College of Phyſicians, — unleſs they be Graduates in *Oxford* or *Cambridge*, without Grace.

§. III. And where that in Dioceſſes of England out of London, it is not light to find alway men able ſufficiently to examine (after the Statute) ſuch as ſhall be admitted to exerciſe Phyſick in them; that it may be enacted in this preſent Parliament, That no perſon from henceforth be ſuffered to exerciſe or practiſe in Phyſick through England, until ſuch time that he be examined at London by the ſaid Preſident, and three of the ſaid Elects: and to have from the ſaid Preſident or Elects Letters Teſtimonials of the approving and examination; Except of Oxford or Cambridge, which hath accompliſhed all things for his form, without any grace.

CAP.

Schools and Schoolmaſters.

CAP. II.

SCHOOLS *and* SCHOOLMASTERS.

A.D. 1408. 10 *H.* 4.

THOMAS ARUNDEL.

Ludi-magiſtri doceant Fidei Catholicæ conſona; nec ſinant Scholaſticos contra eam ſentire, aut diſputando tenere; nec altiora quàm ſapere poſſint tractare: Contrarium autem facientes puniantur.

Lyndw. Edit. Oxon. p. 282.

REverendiſſimæ Synodo & *infra.* Similiter, quia id quod nova Teſta capit, inveterata ſapit, Statuimus & ordinamus, quod Magiſtri, ſive quicunq; docentes in Artibus aut Grammaticâ pueros, ſeu alios quoſcunq; in primitivis ſcientiis inſtruentes, de Fide Catholicâ, Sacramento Altaris, ſeu aliis Sacramentis Eccleſiæ, aut materiâ aliquâ Theologicâ contra determinata per Eccleſiam ſe nullatenùs intromittant inſtruendo eoſdem; nec de Expoſitione ſacræ Scripturæ, niſi in exponendo Textum prout antiquitùs fieri conſuevit; nec permittant Scholares ſuos ſive Diſcipulos de Fide Catholicâ ſeu Sacramentis Eccleſiæ publicè diſputare etiam vel occultè: Contrarium autem faciens, ut Fautor Errorum & Schiſmatum per loci Ordinarium graviter puniatur.

Schoolmaſters ſhall not teach any thing contrary to the Determinations of the Church;

—nor ſuffer Diſputes concerning Matters of Faith, or the Sacraments.

A.D. 1584.

23 Eliz. Cap. 1.

In an Act Entituled, *An Act to retain the Queen's Majeſties Subjects in their due Obedience.*

§. VI. **And be it further enacted, That if any perſon or perſons, body politick or corporate, after the Feaſt of Pentecoſt next coming, ſhall keep or maintain any School-maſter, which ſhall not repair to Church as is aforeſaid, or be *c* allowed by the Biſhop or Ordinary of the Dioceſſe, where ſuch School-maſter ſhall be ſo kept, ſhall forfeit and loſe for every moneth ſo keeping him, ten pounds.**

Any Perſon maintaining a Schoolmaſter, Recuſant, and not Licenſed, ſhall forfeit 10 *l.*

c **Allowed by the Biſhop.**] The Authority of the Biſhop over Schools and School maſters, appears clearly from the original *Inſtitution* of them, and from the *ancient* as well as modern Laws of the Church concerning them.

Diſt. 37. c. 12.

In the 9th Century, under Pope *Eugenius* the Second, a little after the time of *Charles* the Great, was the following Conſtitution made; *De quibuſdam* Laicis *ad nos refertur, neque Magiſtros, neque Curam inveniri pro ſtudio Literarum. Idcircò, in univerſis Epiſcopis, ſubjectiſque plebibus, & aliis locis, in quibus neceſſitas occurrerit, omnino Cura, & Diligentia adhibeatur, ut* Magiſtri & Doctores *conſtituantur, qui ſtudia Literarum, liberaliumque Artium dogmata aſſiduè doceant: quia in his maxime divina manifeſtantur atque declarantur Mandata.* And, by another ancient Canon, it is ordered, *Ut quiſque Presbyter, qui plebem regit, Clericum habeat, qui poſſit* Scholas *tenere, & admonere ſuos Parochianos, ut filios ſuos ad fidem* diſcendam *mittant ad Eccleſiam; quos ipſe cum omni Caſtitate erudiat.* And (not to mention the Decrees and Orders of *particular* Churches; which are very *numerous* in the ancient Councils) in the third Council of *Lateran*, held under *Alexander* the third, the following Conſtitution was made, and afterwards inſerted in the Body of the Canon Law: *Quoniam Eccleſia Dei, ſicut pia mater, providere tenetur ne pauperibus, qui Parentum opibus juvari non poſſunt, legendi & proficiendi opportunitas ſubtrahatur; per unamquamque Cathedralem Eccleſiam,* Magiſtro, *qui Clericos ejuſdem &* Scholares pauperes *gratis doceat, competens aliquod Beneficium præbeatur.* The ſame Conſtitution was not only confirmed, but *enlarged* alſo in the 4th *Lateran* Council, under *Innocent* the third, *ann.* 1215. *Nos, prædictum roborantes Statutum adjicimus, ut non ſolùm in qualibet* Cathedrali Eccleſiâ, *ſed etiam in aliis, quarum ſufficere poterunt facultates, conſtituatur* Magiſter *idoneus, à Prælato cum Capitulo, ſeu majori & ſaniori parte Capituli eligendus, qui Clericos Eccleſiarum ipſarum gratis, in Grammaticâ facultate,* ac alios, *inſtruant, juxta poſſe.*

Extra. l. 3. t. 1. c. 2.

Extra. l. 5. t. 3. c. 1.

Agreeable to the Canons and Conſtitutions abroad, was the Law and Practice of the Church here at home, with relation to the Erection and Government of Schools: So, in the *Saxon* Church; *Si quis ex Presbyteris voluerit nepotem ſuum, aut aliquem Conſanguineum ad* Scholam *mittere in Eccleſiis, quæ nobis conceſſæ ſunt ad regendum, ei Licentiam id faciendi concedimus.* Where *publick Schools* are plainly ſpoken of, as *in being*, and under the direction of the Spiritual Power: and, the very next Conſtitution is, *Presbyteri per villas & vicos* Scholas *habeant; & ſi* quiſlibet Fidelium *ſuos parvulos ad diſcendas literas eis commendare vult, eos ſuſcipere & docere non renuant.* So alſo, it is decreed by the Synod of *Weſtminſter, ann.* 1138. *Ut ſi* Magiſtri Scholarum *aliis Scholas ſuas locaverint regendas pro pretio, Eccleſiaſticæ Vindictæ ſubjaceant.*

Spel. 1. V. p. 595.

Ibid.

Spel. Vol. 2. p. 42.

And whereas it is provided in the third Council of *Lateran* aforeſaid, and by certain Decretal Epiſtles of *Alexander* the third, that nothing be taken *pro Licentiâ docendi*; the ſame was made an expreſs Law of the *Engliſh* Church, in the Council of *London, ann.* 1200.—*His adjicimus, ne pro* Licentia *celebrandi Divina à Sacerdotibus, vel* docendi *à Magiſtris, aliquid exigatur.*

Extra. l. 5. t. 5. c. 1, 2, 3.

Spel. V. 2. p. 126.

As therefore Schools for the Inſtruction and Education of Youth, are moſt *properly* under the Direction of the Spiritual Power, being the Places where Children are to be taught the firſt Principles of their *Religion*; ſo it appears, that, in fact, they have ever been under ſuch Direction; and that therefore this Statute was framed according to the known Law of the Church of *England*; in like manner as the Injunction of Queen *Elizabeth*, ſet forth (among many others) in the firſt Year of her Reign, had alſo been: 'No 'Man ſhall take upon him to Teach, but ſuch as ſhall be 'allowed by the *Ordinary*, and found meet, as well for his 'Learning and Dexterity in Teaching, as for ſober and 'honeſt Converſation, and alſo for *right underſtanding of* '*God's true Religion.*' Which Injunction is followed and Confirmed, not only by the Canons of 1571, and 1603, but alſo by *Licences* to teach School, which appear without number, on the Records of particular Sees; and by the denial of Prohibitions or granting of Conſultations, in the Temporal Courts, where they have been pray'd by Schoolmaſters, to protect them from the Cenſures of the Spiritual Courts for teaching without Licence. So *ann.* 21 *Car.* 2. in the Caſe of *William Bates*, who was ſued before the Commiſſary of *Richmond*, for teaching School without Licence; it is ſaid, that *Prohibition was granted, becauſe they*

Spar. Coll. p. 78. Inj. 40.

Coll. Can. p. 239.

21 Vent. 41.

—and the Maſter ſhall be diſabled, and impriſoned, one year.

VII. Provided, That no ſuch Ordinary, or their Miniſters, ſhall take any thing for the ſaid allowance: And ſuch School-maſter or Teacher, preſuming to teach contrary to this Act, and being thereof lawfully convict, ſhall be diſabled to be a Teacher of Youth, and ſhall ſuffer Impriſonment without bail or mainprize for one year.

endeavour'd to turn him out; whereas they could only Cenſure *him, he coming in by the Preſentation of the Founder*; and that Prohibition would not have been granted, if the Spiritual Court had only attempted to puniſh him for *teaching without Licence.* 2 Keb. 544.

But at the ſame time, it was held, *That where the Patronage is not in the Ordinary, but in Feoffees or other Patrons; the Ordinary cannot put a Man out*, and Prohibition was granted; the Suggeſtion for which was, that he came in by *Election*, and that it was his *Freehold*. And the Conſequence from all this, is, that ſuch a Schoolmaſter being once Licenced, and having Subſcribed, as he is bound, to the Articles and Liturgy of the Church of *England*; altho' he ſhall afterwards inſtill into the Youth under his Care, Doctrines that are directly contrary not only to theſe, but the Chriſtian Religion in general, and altho' this ſhall appear never ſo plainly; yet he ſhall go on, in defiance of the Ordinary, to corrupt Youth, and to act in downright † contradiction to what he Subſcribed before him; and ſhall not be queſtioned in order to Deprivation, but by *Feoffees* or *Patrons*, i. e. by thoſe who (ordinarily ſpeaking) are very uncapable of judging, whether he be guilty or innocent, upon theſe *important* heads. 2 Keb. 538. Vid. infra. Can. 77. † Vid. infr. Can. 79. in fine.

As to his *Election* and *Freehold*; if theſe are a bar to his being Depriv'd by Ordinary Authority; why is not *Preſentation* by a Lay Patron, and the Parſon's *Freehold* in the Benefice, as good a Plea againſt Deprivation by the like Authority? And yet this Plea hath been always rejected by the Temporal Courts. And, as it is ſaid in that Caſe, that the loſs of the Freehold is only an *effect* or *conſequence* of the Sentence of Deprivation; why may it not be allow'd in this, that it is only an effect or Conſequence of the *Revocation of the Licence*, or *Inhibition to Teach* in virtue of it; ſince by the Laws of all kinds, whether Common, Canon or Statute-Law, the Licence appears to be no leſs *neceſſary* in *one* Caſe, than Inſtitution and Induction are in the *other* Caſe.

The Truth is; in our Records before the Reformation, Schools are often ſpoken of as *Eccleſiaſtical* Places; and the Poſſeſſion of them, in *Eccleſiaſtical* Terms. So, where Archbiſhops or Biſhops were Patrons, the Grant of them is ſtiled * *Collation*; and that this is no improper Language, appears from the ancient Regiſter, where is a Writ upon this Head, and of the following Tenor: * Regiſtr. Winch. 50. a. 300. b. Sudb. 57. b. Courtn. 10. b. Regiſtr. f. 35. a.

Rex Officiario curiæ Cantuar' & ejus commiſſariis ſalutem. Cùm placita de collationibus ſcholarum in regno noſtro Angliæ ad coronam & dignitatem noſtram ſpecialiter pertineant, ac Abbas & conventus de Bello Wilhelmum Fipard' clericum ſuper collatione ſcholarum grammaticalium de Ferendon' trahant coram vobis in placitum in curia chriſtianitatis, ſicut ex relatu plurium accepimus: vobis probibemus ne placitum illud teneatis in curia chriſtianitatis, maximè cum hujuſmodi placita ad nos, & non ad alium pertineant in eodem regno. T. Cuſtode. anno E. iii. Angliæ xvii. & Franciæ quarto. Parning' Canc'.

Now, as the Grant of a School by an Archbiſhop or Biſhop within his own Dioceſe, is in Law a *Collation*, the Right to which (if it comes in Queſtion) is recoverable in the Temporal Courts, as the Right of Collation to a Benefice is; ſo, by the ſame Reaſon, may Election or Nomination, with Preſentment of the Perſon Elected or Nominated to the Biſhop, for his Licence, and the Grant of ſuch Licence, be well allowed in Law, the Name, or at leaſt the Nature of *Preſentation* and *Inſtitution*. And if ſo, it is not eaſily conceived, how *Lay-Election* or *Nomination*, and *Freehold*, come to be a ſtronger bar againſt *Deprivation* in the Caſe of a School, than Lay-Preſentation and Freehold are in the Caſe of a Benefice. 'Tis certain, that in one Circumſtance at leaſt, the being Deprived of a School, notwithſtanding the Notion of a *Freehold*, is more naturally ſuppoſed, than Deprivation of a Benefice; becauſe the *Licence* to the firſt is only *durante beneplacito*, whereas the Inſtitution to the ſecond is *abſolute* and *unlimited*. Style, 457.

Whether a Mandamus lay for *reſtoring* a Schoolmaſter or Uſher, when *in fact* they have been deprived by the *Local Viſitors*; is doubtfully ſpoken of in the Books of Common-Law: and the Pleadings upon them, ſeem not to touch the preſent Point, but to turn chiefly upon this, Whether they are to be accounted Offices of a *publick* or *private* Nature? I ſhall therefore only add, in this place, that the Biſhops and Clergy of paſt Times, did undoubtedly believe Schools and Schoolmaſters (*after* Licence obtain'd) to remain under the Cogniſance of the *Spiritual Power*; when they took upon them in Convocation, at one time, to enter upon a Debate *De Reformatione Scholarum Grammaticalium*; and at another time, to preſcribe what *Books* ſhould be uſed in ſuch Schools, excluſive of other Books: to which we may add the many * *Revocations* of Licences, and † *Inhibitions* by Ordinary Authority. 1 Lev. 75. 1 Keb. 355. Raym. 12. Ann. 1530. Ann. 1663. Seſſ. 96, 104, 120, 122. Regiſtr. * Park. 110. b. Grind. 168. a. 1 Whitg. 168. b. Sheld. 360. b. † Grind. 214, 277, b. 1 Whitg. 138. a. 188. b. 3 Whitg. 116, a. 127. b. 1 Abb. 190, b. 206 a. 2 Abb. 201. b. 3 Abb. 117. a. 135, b. Laud. 193.

1 Jac. I. Cap. 4.

In an Act Entituled, *An Act for the due Execution of the Statutes againſt Jeſuits.*

A.D. 1603.

No perſon ſhall be a Schoolmaſter, —except in a Grammar-School, —or in the houſe of a Nobleman, or Gentleman, not Recuſant, —or ſpecially Licenſed.

——IX. And be it further enacted by the authority aforeſaid, That no perſon after the Feaſt of St. Michael the Archangel next, ſhall keep any School, or be a School-maſter, out of any the Univerſities or Colledges of this Realm, except it be in ſome publick or free Grammar-School, or in ſome ſuch Noblemans or Noblewomans, or Gentlemans or Gentlewomans houſe, as are not Recuſants, or where the ſame School-maſter ſhall be ſpecially *cc* licenſed thereunto by the Archbiſhop, Biſhop, or Guardian of the Spiritualties of that Dioceſs: upon pain that as well the School-maſter, as alſo the Party that ſhall retain or maintain any ſuch School-maſter, contrary to the true intent and meaning of this Act, *d* ſhall forfeit each of them, for every

cc Licence thereunto.] In the Caſe of the King verſus *Douſe*, the Defendant was indicted for having kept a School without Licence of the Biſhop &c, *contra formam Statuti*. Exceptions taken againſt the indictment were, 1. that there was no Statute that prohibited keeping School without Licence, but this, and that this preſcrib'd a particular Puniſhment. 2. And that the caſe was only a School for writing and reading, and therefore not within this Statute. — The Indictment was quaſhed. 1 Raym. p. 672.

d Shall forfeit.] When the Spiritual Court proceeded againſt a Schoolmaſter for keeping a School without Licence, purſuant to this Statute; Prohibition was pray'd, 10 *W*. 3. upon this Suggeſtion, that the Statute gives a Penalty, and that none ought to be puniſh'd twice for the ſame fault; and the Court granted it. Carth. p. 464. Vide page 1105.

But in the year 1700, in *Cox*'s Caſe, where that argument was urg'd in Chancery, upon the proſecution of a Schoolmaſter, for teaching without Licence, as a reaſon for granting a Prohibition; the Lord Keeper ſaid, "Both Courts may have a concurrent Juriſdiction; and a 1 Pere Williams, p. 29.

Schools and Schoolmaſters.

day ſo wittingly offending, xl. s. the one half of all the penalties and ſums of money before mentioned to be forfeited, to be to the King, his Heirs and Succeſſors; the other to him or them that ſhall or will ſue for the ſame, in any the Courts of Record in Weſtminſter, by action of debt, bill, plaint, or information, in which no Eſſoyn, Protection, or Wager of Law ſhall be allowed.

The Party maintaining, and maintained, ſhall forfeit 40*s.* a day.

"Crime may be puniſhable both in the one and the other. "The Canons of a Convocation do not bind the Laity "without an Act of Parliament: But I always was, and "ſtill am of opinion, that keeping of School is by the old "Laws of *England* of Eccleſiaſtical cogniſance; and there"fore let the order for a Prohibition be diſcharg'd." —— But he added, that if it was for the teaching of any School, except a *Grammar-School*, Prohibition was to be granted.

1 Jac. 1.

CANONS 1603.

LXXVII. *None to teach School without Licence.*

NO Man ſhall teach either in publick School, or private Houſe, but ſuch as ſhall be allowed by the *dd* Biſhop of the Dioceſs, or Ordinary of the Place under his Hand and Seal, being found meet, as well for his Learning and dexterity in Teaching, as for ſober and honeſt Converſation, and alſo for right underſtanding of Gods true Religion; and alſo except he ſhall firſt ſubſcribe to the firſt and third † Articles aforementioned ſimply, and to the two firſt Clauſes of the ſecond Article.

† Vid. pag. 808.

Every School-maſter, *private* and publick, ſhall be Licenſed by the Biſhop; —and ſhall ſubſcribe to the 1ſt. and 3d. Articles, and part of the 2d.

Can. xi.

dd **Biſhop of the Dioceſs.**] It was a wholſom Order, in the Canons of 1640, that the Biſhops, in all Patents to Chancellors and Commiſſaries, ſhould keep in their *own* Hands the Power, as of granting Inſtitution, ſo alſo of granting *Licences to keep School.*

LXXVIII. *Curates deſirous to teach, to be Licenſed before others.*

IN what Pariſh Church or Chapel ſoever there is a Curate which is a Maſter of Arts, or Batchelor of Arts, or is otherwiſe well able to teach Youth, and will willingly ſo do, for the better increaſe of his Living, and training up of Children in Principles of true Religion: We will and ordain, That a Licence to teach Youth of the Pariſh where he ſerveth, be granted to none by the Ordinary of that place, but only to the ſaid Curate. Provided always, That this Conſtitution ſhall not extend to any Pariſh or Chapel in Countrey Towns, where there is *e* a publick School founded already: In which caſe we think it not meet to allow any to teach Grammar, but only him that is allowed for the ſaid publick School.

The Curate being deſirous to Teach, no other ſhall be Licenſed; —nor the Curate, where there is a publick School already.

Regiſtr. Bancr. 146, a. Laud. 275. a.

e **A publick School.**] In the Records of the See of *Canterbury*, I find two Inhibitions to Schoolmaſters, not to teach School *in præjudicium liberæ Scholæ*; one in the time of Archbiſhop *Bancroft*, and the other in the time of Archbiſhop *Laud*.

LXXIX. *The Duty of School-Maſters.*

Can. 1571.

ALL School-Maſters ſhall teach in Engliſh or Latin, as the Children are able to bear, the *f* larger or ſhorter Catechiſm heretofore by publick Authority ſet forth. And as often as any Sermon ſhall be upon Holy and Feſtival days, within the Pariſh where they teach, they ſhall *ff* bring their Scholars to the Church where ſuch Sermon ſhall be made, and there ſee them quietly and ſoberly behave themſelves, and ſhall examine them at times convenient after their return, what they have born away of ſuch Sermons. Upon other days, and at other times, they ſhall train them up with ſuch Sentences of holy Scriptures, as ſhall be moſt expedient to induce them to all Godlineſs: and they ſhall teach *g* the Grammar ſet forth by King *Henry* the Eighth, and continued in the times of King *Edward* the Sixth, and Queen *Elizabeth* of noble Memory, and none other. And if any School-Maſter being Licenſed, and having ſubſcribed, as aforeſaid,

School-maſters, ſhall teach the Catechiſm; —and bring the Children to Church; —and ſhall teach them ſelect Sentences of Scripture, —and *Henry* 8th's Grammar;

Coll. Can. p. 374.

f **Larger or ſhorter.**] Of theſe, ſee before, p. 452. The Rule in the Canons of 1571. was this; *Ludimagiſtri non alium docebunt* Latinum Catechiſmum, *quàm qui editus eſt ann.* 1570. *quem etiam Anglicè redditum, Pueros, qui Latinè neſciunt, doceri volumus.* To which is added, under the ſame head, another very uſeful and neceſſary Rule, *Imprimis verò Ludimagiſtri ita inſtituent & formabunt Linguas Puerorum,* ut apertè, clarè, diſtinctéque *pronuncient.*

1 Pere Williams, p. 32.

ff **Bring their Scholars.**] In the caſe of *Cox*, ann. 1701, it is ſubjoin'd by way of note, I ſuppoſe by the Editor, that in the 10, 11 *W.* 3. the queſtion was, whether a Schoolmaſter might be proſecuted in the Eccleſiaſtical Court, for not bringing his Scholars to Church; and that it was the opinion of *Treby*, *Powel*, and the Court, that the Schoolmaſter, being a Layman, was not bound by the Canons.

g The Grammar.] The ſame Order is in the Injunctions of King *Edward* the Sixth, and Queen *Elizabeth*; and was alſo repeated in the Canons of 1571. And in the year 1663. *Mar.* 28. and *May* 30. we find by the Regiſter of the Upper-houſe of Convocation, that the Biſhops debated *Super Confectione* Libri Grammaticalis *tam in Linguâ Latinâ quàm Græcâ adhibend'. in quâlibet Scholâ Grammaticali*; and that in 1664. *May* 4. *Liber Grammaticalis* (as it is there alſo called) was brought to the Upper-Houſe by Dr. *Pearſon*, and the Examination of it referred to a Joint-Committee of Biſhops and Clergy.

Coll. Can. p. 11, 78, 239.

Seſſ. 96, 104, 120, 122.

— in which things if they offend, they ſhall be ſuſpended.

ſhall offend in any of the premiſſes, or either ſpeak, write, or teach againſt any thing whereunto he hath formerly ſubſcribed, (if upon admonition by the Ordinary he do not amend and reform himſelf) let him be ſuſpended from teaching School any longer.

13, 14 Car. II. Cap. 4.

A.D. 1661.

In an Act, Entituled, *An Act for the Uniformity of Publick Prayers*, &c.

Every School-maſter, or other, inſtructing youth, ſhall ſubſcribe the Declaration,

—— VIII. And be it further enacted by the authority aforeſaid, That every —— School-maſter keeping any publick or private School, and every perſon Inſtructing or Teaching any Youth in any Houſe or private Family as a Tutor, or School-maſter, who upon the firſt day of May, which ſhall be in the year of our Lord God, One thouſand ſix hundred ſixty two, or at any time thereafter, ſhall be Incumbent, or have poſſeſſion of any —— School; or ſhall inſtruct or teach any Youth as Tutor or School-maſter, ſhall, before the Feaſt day of St. Bartholomew, which ſhall be in the year of our Lord, One thouſand ſix hundred ſixty two, or at or before his or their reſpective admiſſion to be Incumbent, or have poſſeſſion aforeſaid, ſubſcribe the Declaration or Acknowledgment following, Scilicet,

† See the *Abrogation* of the firſt part, and the *Expiration* of the ſecond, in pag. 809.

— according to the Form hereby appointed;

IX. † I A. B. Do declare, [*That it is not lawful, upon any pretence whatſoever, to take Arms againſt the King*; *and that I do abhor that Traiterous Poſition of taking Arms by his Authority againſt His Perſon, or againſt thoſe that are Commiſſioned by him*; *and* [That I will conform to the Liturgy of the Church of *England*, as it is now by Law Eſtabliſhed.] *And I do declare that I do hold, there lies no Obligation upon me, or on any other Perſon, from the Oath, commonly call'd the* Solemn League and Covenant, *to endeavour any Change, or Alteration of Government, either in Church, or State*; *and that the ſame was in it ſelf an unlawful Oath, and impoſed upon the Subjects of this Realm againſt the known Laws and Liberties of this Kingdom.*]

— upon pain to be diſabled, and *ipſo facto* deprived.

X. Which ſaid Declaration and acknowledgment ſhall be ſubſcrib'd —— before the reſpective Archbiſhop, Biſhop, or Ordinary of the Dioceſs —— upon pain that all and every of the perſons aforeſaid, failing in ſuch Subſcription, ſhall loſe and forfeit ſuch —— School, and ſhall be utterly diſabled, and (ipſo facto,) deprived of the ſame; And that — ſuch — School ſhall be void, as if ſuch perſon ſo failing were naturally dead.

Any School-maſter, teaching without Licence, and before ſuch Subſcription, ſhall ſuffer 3 months Impriſonment,

— and for the 2d. offence, &c. 3 months Impriſonment, and a forfeiture of 5 *l.*

Salk. 2. 672. 3 Salk. 318.

XI. And if any Schoolmaſter, or other perſon Inſtructing or Teaching Youth in any private Houſe or Family, as a Tutor or School-maſter, ſhall Inſtruct or Teach any Youth as a Tutor or School-maſter, before *gg* Licence obtained from his reſpective Archbiſhop, Biſhop, or Ordinary of the Dioceſs, according to the Laws and Statutes of this Realm, (for which he ſhall pay twelve pence only) and before ſuch Subſcription and Acknowledgment made as aforeſaid; Then every ſuch Schoolmaſter, and other, Inſtructing and Teaching as aforeſaid, ſhall, for the firſt offence ſuffer Three months Impriſonment without bail or mainprize, and for every ſecond, and other ſuch offence, ſhall ſuffer three months Impriſonment without bail or mainprize, and alſo forfeit to his Majeſty the ſum of *h* Five pounds.

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gg **Licence.**] In the firſt of Queen *Anne* (caſe of *Matthews* and *Burdett*) a Prohibition was pray'd to the Spiritual Court to ſtay proceedings againſt one who taught School without Licence from the Biſhop; and for the obtaining of it, they alledg'd, that the Office of a School-maſter is a Lay-Office, † and that, where the Common or Statute Law gives a Remedy *in foro ſæculari*, whether the matter be temporal or ſpiritual, the conuzance of that matter belongs to the King's temporal Courts only, unleſs the Juriſdiction of the Spiritual Court be ſaved by that Statute which gives the penalty; for, otherwiſe, one might be twice puniſhed for the ſame thing. On the other hand, it was alledged, that by the ancient Canons receiv'd in *England*, the Biſhop is to ſuperintend the Education of youth; that this is confirm'd by the ſeveral Statutes which require a Licence to be taken from the Ordinary, and that the Toleration-Act gives no Relief: But the Cauſe came not to a final Determination.

† See Tit. XLV. c. 5.

h **Five pounds.**] This does not deprive the Eccleſiaſtical Courts of their Juriſdiction, when they proceed according to the Canon, and not upon this Act for the penalty.

3 Salk. 318.

12 Annæ,

Schools and Schoolmaſters.
A.D.1713.

12 Annæ, Cap. 7.

An Act to Prevent the Growth of Schiſm, and for the further Security of the Churches of England *and* Ireland, *as by Law Eſtabliſhed.*

WHereas by an Act of Parliament made in the Thirteenth and Fourteenth Years of His late Majeſty King Charles the Second, Intituled, An Act for the Uniformity of Publick Prayers, and Adminiſtration of Sacraments, and other Rites and Ceremonies; and for Eſtabliſhing the Form of Making, Ordaining, and Conſecrating Biſhops, Prieſts, and Deacons in the Church of *England*, It is, amongſt other things, Enacted, That every Schoolmaſter Keeping any Publick or Private School, and every Perſon Inſtructing or Teaching any Youth in any Houſe or Private Family, as a Tutor or Schoolmaſter, ſhould Subſcribe before his or their reſpective Archbiſhop, Biſhop, or Ordinary of the Dioceſe, a Declaration or Acknowledgment, in which, amongſt other things, was contained as follows, viz. I *A. B.* do Declare, That I will Conform to the Liturgy of the Church of *England*, as it is now by Law Eſtabliſhed; and if any Schoolmaſter, or other Perſon Inſtructing or Teaching Youth in any Private Houſe or Family, as a Tutor or Schoolmaſter, ſhould Inſtruct or Teach any Youth as a Tutor or Schoolmaſter, before Licence obtained from his reſpective Archbiſhop, Biſhop, or Ordinary of the Dioceſe, according to the Laws and Statutes of this Realm, for which he ſhould pay Twelve Pence only, and before ſuch Subſcription and Acknowledgment made, as aforeſaid, then every ſuch Schoolmaſter and other, Inſtructing and Teaching, as aforeſaid, ſhould, for the Firſt Offence, ſuffer Three Months Impriſonment without Bail or Mainprize, and for every Second and other ſuch Offence ſhould ſuffer Three Months Impriſonment without Bail or Mainprize, and alſo forfeit to His Majeſty the Sum of Five Pounds: And whereas notwithſtanding the ſaid Act, ſundry Papiſts and other Perſons Diſſenting from the Church of England, have taken upon them to Inſtruct and Teach Youth as Tutors or Schoolmaſters, and have for ſuch purpoſe openly ſet up Schools and Seminaries, whereby, if due and ſpeedy Remedy be not had, great Danger might enſue to this Church and State: For the making the ſaid recited Act more effectual, and preventing the Danger aforeſaid, Be it Enacted by the Queens moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, that every Perſon or Perſons who ſhall, from and after the Firſt Day of Auguſt next enſuing, Keep any Publick or Private School or Seminary, or Teach and Inſtruct any Youth as Tutor or Schoolmaſter, within that Part of Great Britain called England, the Dominion of Wales, or Town of Berwick upon Tweed, before ſuch Perſon or Perſons ſhall have Subſcribed ſo much of the ſaid Declaration and Acknowledgment, as is before recited, and ſhall have had and obtained a Licence from the reſpective Archbiſhop, Biſhop or Ordinary of the Place, under his Seal of Office (for which the Party ſhall pay One Shilling, and no more over and above the Duties payable to Her Majeſty for the ſame) and ſhall be thereof lawfully Convicted, upon an Information, Preſentment, or Inditment, in any of Her Majeſties Courts of Record at Weſtminſter, or at the Aſſizes, or before Juſtices of Oyer and Terminer, ſhall and may be Committed to the Common Goal of ſuch County, Riding, City, or Town Corporate, as aforeſaid, there to remain without Bail or Mainprize for the Space of Three Months, to Commence from the time that ſuch perſon or perſons ſhall be received into the ſaid Goal.

Recital of that part of the Act of Uniformity, which relates to Schoolmaſters;

—and their obligation to make Declaration of their Conformity,

—on pain of Impriſonment, and forfeiture of 5 *l.*;

—which, notwithſtanding, hath not been done by Popiſh and Diſſenting Maſters.

Every perſon, teaching School without Declaration made, and Licence obtained,

—ſhall ſuffer 3 months Impriſonment.

Provided always, and be it hereby Enacted, That no Licence ſhall be Granted by any Archbiſhop, Biſhop, or Ordinary, unleſs the Perſon or Perſons who ſhall Sue for the ſame, ſhall Produce a Certificate of his or their having Received the Sacrament according to the Uſage of the Church of England, in ſome Pariſh Church, within the ſpace of One Year next before the Grant of ſuch Licence, under the Hand of the Miniſter and One of the Church-wardens of the ſaid Pariſh, nor until ſuch Perſon or Perſons ſhall have Taken and Subſcribed the Oaths of Allegiance and Supremacy, and Abjuration, as Appointed by Law, and ſhall have Made and Subſcribed the Declaration againſt Tranſubſtantiation, contained in the Act made in the Twenty fifth Year of the Reign of King Charles the Second, Intituled, An Act for Preventing Dangers which may happen from Popiſh Recuſants, before the ſaid Archbiſhop, Biſhop, or Ordinary; which ſaid Oaths and Declarations, the ſaid Archbiſhop, Biſhop, or Ordinary, are hereby Impowered and Required to Adminiſter and Receive; and ſuch Archbiſhops, Biſhops, and Ordinaries, are Required to File ſuch Certificates, and keep an exact Regiſter of the ſame, and of the Taking and Subſcribing ſuch Oaths and Declarations.

Noe Licence ſhall be granted, without Certificate of the perſon's having received the Sacrament in the Church of *England*, within one year;

—nor without taking the Oaths, and Declaring againſt Tranſubſtantiation;

Schools and Schoolmaſters.

—and if any perſon, being Licenſed, ſhall afterwards reſort to a Conventicle,

—or to other place, where the Queen &c. are not pray'd for,

—he ſhall be liable to the foreſaid Penalties; and be uncapable of teaching School;

And be it further Enacted by the Authority aforeſaid, That any Perſon who ſhall have Obtained a Licence, and Subſcribed the Declarations, and Taken and Subſcribed the Oaths, as above Appointed, and ſhall at any time after, during the time of his or their Keeping any Publick or Private School or Seminary, or Inſtructing any Youth as Tutor or Schoolmaſter, knowingly or willingly, reſort to, or be preſent at any Conventicle, Aſſembly, or Meeting, within England, Wales, or Town of Berwick upon Tweed, for the Exerciſe of Religion in any other manner than according to the Liturgy and Practice of the Church of England, or ſhall knowingly and willingly be preſent at any Meeting or Aſſembly for the Exerciſe of Religion, although the Liturgy be there uſed, where Her Majeſty (whom God long Preſerve) and the Elector of Brunſwick, or ſuch others as ſhall, from time to time, be Lawfully appointed to be Prayed for, ſhall not there be Prayed for in expreſs Words, according to the Liturgy of the Church of England, except where ſuch particular Offices of the Liturgy are uſed, wherein there are no expreſs Directions to Pray for Her Majeſty and the Royal Family, ſhall be Liable to the Penalties in this Act, and ſhall from thenceforth be Incapable of Keeping any Publick or Private School or Seminary, or Inſtructing any Youth as Tutor or Schoolmaſter.

—as alſo, if he teach any Catechiſm, but that of the Church.

And be it further Enacted by the Authority aforeſaid, That if any Perſon Licenſed, as aforeſaid, ſhall Teach any other Catechiſm than the Catechiſm ſet forth in the Book of Common Prayer, the Licence of ſuch Perſon ſhall from thenceforth be Void, and ſuch Perſon ſhall be Liable to the Penalties of this Act.

Proviſoes,

—That the Biſhop may proſecute, as before, for teaching without Licence;

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for the Biſhop of the Dioceſe, or other proper Ordinary, to Cite any Perſon or Perſons whatſoever, Keeping School or Seminary, or Teaching without Licence, as aforeſaid, and to Proceed againſt, and Puniſh ſuch Perſon or Perſons by Eccleſiaſtical Cenſure, ſubject to ſuch Appeals as in Caſes of Ordinary Juriſdiction; this Act or any other Law to the contrary notwithſtanding.

—That noe perſon ſhall be twice puniſhed;

Provided always, That no Perſon Offending againſt this Act, ſhall be Puniſhed twice for the ſame Offence.

—but having been puniſhed in one Court, may plead it in another,

—taking an Oath, that the firſt proſecution was not carried on by his means.

Provided alſo, That where any Perſon ſhall be Proſecuted without Fraud or Covin in any of the Courts aforeſaid, for any Offence contrary to this Act, the ſame Perſon ſhall not be afterwards Proſecuted for the ſame Offence in any of the ſaid Courts, whilſt ſuch former Proſecution ſhall be Pending and Carried on without any wilful Delay; And in caſe of any ſuch After-Proſecution, the Perſon ſo doubly Proſecuted may Alledge, Plead, or Shew forth in his Defence againſt the ſame, ſuch former Proſecution Pending, or Judgment, or Sentence thereupon given, the ſaid Pleader firſt making Oath before the Judge or Judges of the Court where ſuch After-Proſecution ſhall be Pending, and which ſaid Oath he or they are hereby Impowered and Required to Adminiſter, That the ſaid Prior-Proſecution was not Commenced or Carried on by his means, or with his Conſent or Procurement, or by any Fraud or Colluſion of any other Perſon to his Knowledge or Belief.

—That this Act extend not to the Univerſities, nor to Tutors in Noblemen's Houſes;

Provided always, That this Act, or any thing therein contained, ſhall not Extend, or be Conſtrued to Extend to any Tutor Teaching or Inſtructing Youth in any College or Hall, within either of the Univerſities of that Part of Great Britain called England, nor to any Tutor who ſhall be Employed by any Nobleman or Noblewoman, to Teach his or her own Children, Grand-Children, or Great Grand-Children only, in his or her Family; Provided ſuch Tutor, ſo Teaching in any Nobleman or Noblewomans Family, do in every reſpect Qualifie himſelf according to this Act, except only in that of Taking a Licence from the Biſhop.

—nor to foreign Proteſtants.

Provided alſo, That the Penalties in this Act ſhall not extend to any Foreigner, or Alien of the Foreign Reformed Churches, Allowed, or to be Allowed by the Queens Majeſty, Her Heirs or Succeſſors, in England, for Inſtructing or Teaching any Child or Children of any ſuch Foreigner or Alien only, as a Tutor or Schoolmaſter.

Any perſon convicted, as aforeſaid, and Conforming,

—ſhall be again capable,

Provided always, and be it further Enacted by the Authority aforeſaid, That if any Perſon who ſhall have been Convicted, as aforeſaid, and thereby made incapable to Teach or Inſtruct any Youth, as aforeſaid, ſhall, after ſuch Conviction, Conform to the Church of England for the Space of One Year, without having been preſent at any Conventicle, Aſſembly, or Meeting, as aforeſaid, and Receive the Sacrament of the Lords Supper according to the Rites and Uſage of the Church of England at leaſt Three times in that Year, every ſuch Perſon or Perſons ſhall be again capable of Having and Uſing a Licence to Teach School, or to Inſtruct Youth as a Tutor or Schoolmaſter, he or they alſo performing all that is made requiſite thereunto by this Act.

—he making Oath, that he hath Con-

Provided alſo, and be it further Enacted, That every ſuch Perſon, ſo Convicted and afterwards Conforming, in manner as aforeſaid, ſhall, at the next Term after his being Admitted to, or Taking upon him to Teach or Inſtruct Youth, as aforeſaid, make Oath in Writing, in ſome One of Her Majeſties Courts at Weſtminſter, in Publick and Open Court, or at the next Quarter-Seſſions for that County or Place where he ſhall Reſide, between the Hours of Nine and Twelve in the Forenoon, That he hath Conformed to the Church of England for the Space of One Year before ſuch his Admiſſion, without having been preſent at any Conventicle, Aſſembly or Meeting, as aforeſaid, and that he hath Received the Sacrament of the Lords Supper at leaſt Three times in the Year, which Oath ſhall be there Enrolled and kept upon Record.

form'd for the ſpace of one year.

Provided always, That this Act ſhall not extend, or be Conſtrued to extend to any Perſon, who as a Tutor, or Schoolmaſter, ſhall Inſtruct Youth in Reading, Writing, Arithmetick, or any part of Mathematical Learning only, ſo far as ſuch Mathematical Learning relates to Navigation, or any Mechanical Art only, and ſo as ſuch Reading, Writing, Arithmetick or Mathematical Learning, ſhall be Taught in the Engliſh Tongue only.

This Act ſhall not extend to Maſters for Reading, Writing, Arithmetick, or Mathematicks, — in the Engliſh tongue.

And whereas by an Act of Parliament made in Ireland, in the Seventeenth and Eighteenth Years of His ſaid late Majeſty King Charles the Second, Intituled, An Act for the Uniformity of Publick Prayers, and Adminiſtration of the Sacraments, and other Rites and Ceremonies; and for Eſtabliſhing the Form of Making, ordaining, and Conſecrating of Biſhops, Prieſts, and Deacons in the Church of *Ireland*, It is Enacted concerning Schoolmaſters and other Perſons Inſtructing Youth in Private Families in Ireland, as in and by the above recited Act is Enacted concerning Schoolmaſters and others Inſtructing Youth in Private Families, in that Part of Great Britain called England: And whereas it is reaſonable, that where the Law is the ſame, the Remedy and Means for Enforcing the Execution of the Law ſhould be the ſame; Be it therefore Enacted by the Authority aforeſaid, That all and every the Remedies, Proviſions, and Clauſes, in and by this Act Given, Made, and Enacted, ſhall Extend, and be Deemed, Conſtrued, and Adjudged to Extend to Ireland, in as full and effectual manner, as if Ireland had been expreſly Named and Mentioned in all and every the Clauſes in this Act.

The Act of Uniformity being made for *Ireland* alſo, — this Enforcement of it ſhall extend to that Kingdom.

A.D. 1665.

17 Car. II. Cap. 2.

In an Act, Entituled, *An Act for reſtraining Nonconformiſts from inhabiting in Corporations.*

* Suſpended by the Toleration-Act. Vid. p. 510.

IV. * Provided always, and be it further enacted by the authority aforeſaid, That it ſhall not be lawful for any perſon or perſons reſtrained from coming to any City, Town-Corporate, Burrough, Pariſh, Town or place, as aforeſaid, or for any other perſon or perſons as ſhall not firſt take and ſubſcribe the ſaid Oath, and as ſhall not frequent Divine Service eſtabliſhed by the Laws of this Kingdom, and carry him or herſelf reverently, decently and orderly there, to Teach any publique or private School, or take any Boarders or Tablers that are taught or inſtructed by him or herſelf, or any other: upon pain for every ſuch offence to forfeit the ſum of Forty pounds, to be recovered and diſtributed as aforeſaid.

No Diſſenter ſhall teach School, nor take Boarders, — upon pain to forfeit, 40 *l.*

A.D. 1699.

11, 12 Will. III. Cap. 4.

In an Act, Entituled, *An Act for the further preventing the Growth of Popery.*

III. —— If any Papiſt, or perſon making profeſſion of the Popiſh Religion, ſhall keep School, or take upon themſelves the Education, or Government, or boarding of youth in any place within this Realm, or the Dominions thereto belonging, ſuch perſon or perſons being thereof lawfully convicted; That then every ſuch perſon ſhall, on ſuch Conviction, be adjudged to perpetual Impriſonment in ſuch place or places within this Kingdom, as the King by advice of his Privy Council ſhall appoint.

Any Papiſt, who ſhall keep School, — ſhall be adjudged to perpetual Impriſonment.

A.D. 1713.

12 Annæ, Cap. 9.

In an Act, Entitled, *An Act for laying Additional Duties*, &c. *upon Stampt Vellum*, &c.

For every Skin or piece of Vellum or Parchment, or ſheet or piece of Paper, upon which ſhall be engroſſed or written any Inſtitution or Licence —— the ſumme of five ſhillings ſterling (Licences to Schoolmaſters and Tutors excepted)

Licences to *Schoolmaſters*, excepted in the Tax upon Licences.

CAP. III.

The ERECTION *and* GOVERNMENT *of* HOSPITALS.

2 Henr. V. Cap. 1.

A.D. 1414.

Ordinaries ſhall enquire of, and reform the Eſtates of Hoſpitals.

Many Hoſpitals being decayed, and the Revenues withdrawn,

Enacted, that, —all Hoſpitals, of Royal Foundation, ſhall be viſited by the Ordinary, in virtue of the King's Commiſſion,

—and all other Hoſpitals, by the

Firſt, Foraſmuch as *hh* many Hoſpitals within the Realm of England, founded as well by the noble Kings of this Realm, and Lords and Ladies both Spiritual and Temporal, as by divers other Eſtates, to the honour of God and of his glorious Mother, in aid and merit of the Souls of the ſaid Founders; to the which Hoſpitals the ſame Founders have given a great part of their moveable Goods for the buildings of the ſame, and a great part of their Lands and Tenements, therewith to ſuſtain impotent men and women, lazers, men out of their wits, and poor women with child, and to nouriſh, relieve, and refreſh other poor people in the ſame, be now for the moſt part decayed, and the Goods and profits of the ſame by divers perſons as well Spiritual as Temporal withdrawn and ſpent in other uſe, whereby many men and women have died in great miſery for default of aid, living, and ſuccour, to the diſpleaſure of God, and peril of the ſouls of ſuch manner of diſpoſers: The King our Soveraign Lord, conſidering the meritorious and devout intents of the Founders aforeſaid, and the unaccuſtomed Government in the ſame, hath by the advice and aſſent aforeſaid, ordained and eſtabliſhed, That as to the Hoſpitals which be of the Patronage and *i* Foundation of the King, the Ordinaries, by vertue of the Kings Commiſſions to them directed, ſhall enquire of the manner and Foundation of the ſaid Hoſpitals, and of the governance and eſtate of the ſame, and of all other matters neceſſary and requiſite in this behalf, and the inquiſitions thereof taken ſhall certifie in the Kings Chancery. And as to other Hoſpitals which be of another Foundation and Patronage then of the King, *k* the Ordinaries ſhall

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1 Inſt. fol. 342, a.

hh **Many Hoſpitals.**] My Lord *Coke* ſpeaking of Hoſpitals, ſaith, 'Some are Corporations aggregate of many, 'as of Maſter or Warden, and his Confreres: Some, where 'the Maſter or Warden only hath the Eſtate of Inheritance 'in him, and the Brethren or Siſters power to conſent, 'having College and Common Seal: Some, where the 'Maſter or Warden hath the Eſtate in him, but hath no 'College and Common Seal, and ſuch a Maſter or Warden 'ſhall have a *Juris Utrum*. And of theſe Hoſpitals, ſome 'be eligible, and ſome donative, and ſome preſentable.

i **Foundation of the King.**] If the Biſhop attempt to viſit a Hoſpital of Royal Foundation, a Prohibition is provided in the Regiſter; by the Tenor of which it appears, that *de jure communi* the Chancellor of *England* for the time being had the Right of Viſiting all ſuch Hoſpitals in the Name of the King.

Regiſtr. f. 40. b.

Rex venerabili, &c. *Epiſcopo Karliol' ſalutem. Cum Cancellarius noſter qui pro tempore fuerit ſeu deputandus ab ipſo, omnia hoſpitalia in regno noſtro de fundatione ſeu patronatu noſtro aut progenitorum noſtrorum quondam regum Angl' exiſtentia, viſitare debeat, & omnes Cancellarii noſtri & progenitorum noſtrorum prædict' ſeu deputandi ab eiſdem, ea, à tempore quo non extat memoria, ſemper hactenus viſitare conſueverint, abſq; eo quod aliquis alius officium viſitationis in eiſdem exercere debeat, ſeu hactenus conſueverit: vos nihilominus officium viſitationis in hoſpitali ſancti Nicholai extra Karliol', quod Marger' de Gold' tenet ex conceſſione noſtra, quod de fundatione progenitorum noſtrorum exiſtit, vobis attrabitis, & illud viſitare intenditis jam de novo, ſicut ex relatu plurium accepimus; quod ſi toleraretur, in noſtri ac coronæ noſtræ præjudicium & exhæredationem cederet manifeſtè: Nos hujuſmodi præjudicio & exhæredationi obviare volentes ut tenemur, vobis prohibemus ne quicquam quod in noſtri aut coronæ noſtræ præjudicium in hac parte cedere valeat attentetis, ſeu attentari præſumatis quovis modo; ſcientes quòd ſi ſecus feceritis, ad vos tanquam ad juris noſtri regii violatorem non immeritò graviter capiemus. T.* &c.

Reyn. 52. b. 46. b.

Archbiſhop *Reynolds* ſpeaks of his Viſiting a Hoſpital *ratione Officii Cancellariæ*, and commands the Biſhop of *Norwich* to ſee that the Injunctions he made *ratione Officii Cancellariæ quam gerimus* be obſerv'd.

Extra. l. 3. t. 36. c. 3.

k **The Ordinaries ſhall inquire.**] This is according to the ancient Rule of the Canon-Law: *De* Xenodochijs, & aliis ſimilibus locis, *per ſollicitudinem* Epiſcoporum, *in quorum Diœceſi exiſtunt, ad eaſdem utilitates, quibus conſtituta ſunt, ordinentur.* And it is ſaid in the Journal of Parliament, 3 *H.* 8. that abuſes relating to Hoſpitals ought to be reformed in Convocation, *Concluſum eſt per Dominos Spirituales, quòd Defectus ſpecificati in quâdam Petitione miſſâ à Domo Communi, concernente* Hoſpitalia & Domos Eleemoſynarum, *reformari debent in* Convocatione.

Journ. Proc. 3 H. 8. 32 die Parl.

But tho' the ſaid Rule of the Canon-Law, ſhews that Hoſpitals, *de Jure communi*, were under the Inſpection of the Biſhop; and tho' alſo the Order of the Lords in Parliament, implies plainly enough, that they underſtood this Statute to be an *affirmance* of that general right; without any exception, but to thoſe of Royal Foundation, ſince the Statute neither *mentions* nor *implies* any other: yet my Lord *Coke* took up a Diſtinction between *Spiritual* and *Lay* Hoſpitals, and ſays, that if the Hoſpital be *Lay, the Patron ſhall Viſit; and if* Spiritual, *the Biſhop ſhall Viſit*. And, whereas in the Caſe then before the Court *(viz.* the Caſe of *Sutton*'s *Hoſpital)* there was in the Charter an *Exemption* from the Ordinary; this, he ſaid, was but *Declaratory; for being a* Lay *Incorporation, he neither could nor ought to Viſit it.* Which Doctrine (contrary to the plain Tenor of this Statute) ſeems to be Founded (if it hath any Foundation at all) on a Writ which we find in the Regiſter, of the following Tenor:

10 Rep. 31. a. Noy, 91.

Regiſtr. f. 41, a.

Rex, Archidiacono Taunton & ejus Officiali ac eorum commiſſariis, ſalutem. Ex parte M. quæ fuit uxor I. nobis eſt oſtenſum, quod cum Hoſpitale ſancti Egidii leproſorum de B. per anteceſſores R. filii & hæredis præd' I. ad ſuſtentationem leproſorum & aliorum pauperum & infirmorum ibidem, totum in temporalibus & nihil in ſpiritualibus fundatum exiſtat, idemq; hoſpitale, cujus advocatio ad præfatam M. tanquam pertinens ad manerium de B, quod eadem M. tenet ad terminum vitæ ſuæ de hæreditate prædicti R. in ſingulis vacationibus dicti hoſpitalis per ipſam M. conferri, & illi quibus hoſpitale illud ſic conferri contigerit in corporalem poſſeſſionem ejuſdem per ballivos & miniſtros præfatæ M. induci debeant, ac omnes anteceſſores prædicti R. à tempore fundationis hoſpitalis prædicti, hoſpitale illud in ſingulis vacationibus ejuſdem conferre, & per ballivos & miniſtros ſuos illos quibus idem hoſpitale ſic collatum fuerit, inducere conſueverint, abſque hoc quod aliquis Archidiaconus Taunton vel ejus officialis

ſeu

The Erection and Government of Hoſpitals.

inquire of the manner of the Foundation, Eſtate and Governance of the ſame, and of all other matters and things neceſſary in this behalf: and upon that make thereof correction and reformation, according to the Laws of holy Church, as to them belongeth.

Ordinary, according to Law.

ſeu commiſſarius eorundem, ſeu quivis alius ordinarius, officium inductionis ſeu viſitationis in eodem exercere, ſeu in aliquo ſe inde intromittere debeant, ſeu hactenus conſueverunt: Vos nihilominus in hoſpitali prædict' quod de patronatu præd' Marg' & totum in temporalibus & non aliqualiter in ſpiritualib' fundat' exiſtit, officium viſitation' jam de novo nitimini exercere, & R. de S. R. de K. & I. de B homines & pauperes hoſpit' præd' trahitis inde in placitum in curia Chriſtianitatis, & in ipſos, pro eo quod mandatis veſtr' in hac parte parere noluerunt, ſententiam excommunicationis fulmināſtis & eis diverſa gravamina & oppreſſion' per citationes & alias cenſuras eccleſiaſticas ex cauſa prædicta diverſimodè intuliſtis & indies inferre non deſiſtitis, in læſionem coronæ & dignitatis noſtræ, ac præfatæ M. & hominum ac pauperum prædictorum damnum non modicum & præjudicium manifeſtum: Nos, pro eo quod placitum prædictum tangit nos & coronam & dignitatem noſtram, præſertim cum collatio dicti hoſpitalis ad nos ratione cuſtodiæ poſſet devolvi, vobis prohibemus ne quicquam in hac parte attentare præſumatis, ſeu per alios attentari faciatis, quod in noſtri præjudicium ſeu coronæ prædictæ læſionem cedere valeat quovis modo. Et omnia quæ per vos in hac parte minus rite attentata fuerint, ſine dilatione aliqua revocari faciatis: ne ad vos tanquam ad jurium coronæ noſtræ violatores & contemptores mandatorum noſtrorum graviter capere debeamus. T. &c.

In the foreſaid Writ there are two Circumſtances very material, and very obvious, 1. That if any *part* of the Foundation had been Spiritual, the Right of the Ordinary is plainly *ſuppos'd*; whereas my Lord *Coke* ſeems to mean, that if any part of it be *Lay*, he is to be excluded: And, 2. That *another* ground of the Prohibition, was the *poſſibility* of its devolving to the Crown, and ſo being of *Royal Donation*, by reaſon of *Wardſhip*; which cannot be a Conſideration at this Day, when Wardſhips have been long aboliſhed.

A.D.1530.

22 Henr. VIII. Cap. 12.

In an Act, Entituled, *An Act concerning how aged, poor, and impotent Perſons*, &c. *ſhall be ordered*, &c.

XX. Provided alſo, that it be lawful to all Maiſters and Governours of Hoſpitals, to lodge and harber any perſon or perſons of charitie or almes, according to the foundation of ſuch Hoſpitals, and to give money in almes in as large manner and forme, as they are bound or ought to doe; any thing in this Statute to the contrarie heereof notwithſtanding.

Relief given in Hoſpitals, excepted in the Act againſt Beggers.

A.D.1572.

14 Eliz. Cap. 5.

In an Act, Entituled, *An Act —— for the relief of the Poor and Impotent.*

EXP.

VIII. Provided alſo, that it ſhall be ſtill lawfull to all Maiſters and Governors of the Hoſpitales, to lodge and harbor any impotent or aged perſon or perſons of charitie or almes, according to their foundation, and to give monie in almes, in as large maner as they are bound to do by their foundation, to any ſuch aged or impotent perſon, any thing herein contained to the contrary in any wiſe notwithſtanding.

Another Proviſo to the ſame effect.

A.D.1572.

14 Eliz. Cap. 5.

In an Act, Entituled, *An Act —— for the relief of the Poor and Impotent.*

EXP.

XXX. And be it further enacted by the authoritie aforeſaid, that the Biſhop of every Dioceſſe, or his Chancellor for the time being, ſhall yeerely viſit all hoſpitals in the Dioceſſe of ſuch Biſhop, where no viſitor by the founder or founders is appointed, if the founder of the ſaid hoſpitall be then dead, and to ſee and take order, that the ſaid hoſpitals bee ordered and uſed according to the Statutes and ordinances of the foundation thereof; and if the founder be then living, the ſayde founder to viſit the ſame during his life without any the Biſhops viſitation, and the ſame viſitation, to be at the only coſts and charges of the viſitors, and not of the hoſpitall: and that it ſhall be lawfull to the Biſhop of the Dioceſſe for the time being, where ſuch hoſpitall is or ſhall be, or his Chancellor, upon complaint or other intelligence of juſt cauſe, to take account how the rents, revenues, and profits of any ſuch hoſpitall hath beene beſtowed and ſpent, to call before him or them at the ſaide hoſpitall to account, all ſuch perſon and perſons as have had the collection or receipt of any the ſaide rents, iſſues, revenues or profits. And if any perſon or perſons ſo called, ſhall and doe refuſe to account, or entring into account ſhall refuſe to proceede and finiſh the ſame, or upon the finiſhing thereof, ſhall refuſe forthwith to imploy or anſwere to the uſe of the ſaid hoſpitall ſuch ſum or ſums of money, as upon the ſame account ſhall appeare to be due by him, that then every ſuch perſon aud perſons ſo refuſing, ſhall forfeit and looſe ſuch ſum and ſums of money, as to the ſaid Biſhop or Chancellor, and to two Juſtices of the Peace next inhabiting to the ſaid hoſpitall, ſhall be thought meet and convenient, to which account the ſaid Biſhop or Chancellor ſhall call the ſame two Juſtices of Peace.

Where no Viſitor of a Hoſpital is appointed, and the Founder dead, the Bp. ſhall viſit yearly;

—but the Founder being alive, ſhall viſit himſelf.

Upon Complaint, the Biſhop may examin the Accounts of Hoſpitals,

—and in caſe of irregularity, ſhall order according to Juſtice.

18 Eliz. Cap. 3.

A.D. 1575.

In An Act, Entituled, *An Act for the ſetting of the Poor on Work*, &c.

Any Perſon may give Lands, *&c.* towards the maintenance of Abiding-houſes, for 20 years,

EXP.

X. And becauſe it is to be hoped, that manie well diſpoſed perſons, underſtanding the good ſucceſſe which will grow by ſetting people on worke, and avoyding of idleneſſe, will from time to time give to the ſuſtentation and maintenance of the ſame good purpoſe and intent: And for their better encouragement to the ſame, Be it ordayned and enacted by the authoritie of this preſent Parliament, that it ſhall be lawful for everie ſuch Perſon as ſhall be ſeiſed of any manours, lands, tenements, or other hereditaments whatſoever, in fee ſimple, in poſſeſſion, reverſion or remaynder, holden in free ſoccage of the Queenes Majeſtie, her heires or ſucceſſours, or of any other perſon or perſons, or bodie politique, in his or their owne right, and to his or their own uſe, for and during the ſpace of twentie yeares next enſuing, to make feoffements, grants, or any other aſſuraunces or conveyaunces, or by laſt Will in writing to give and bequeath in Fee ſimple, all, or anie part of the ſayd Lands, Tenements, and Hereditaments, to anie bodie politique or corporate, and their ſucceſſours, in this Realme, and the Dominions of the ſame, now erected, or hereafter to be erected or founded, or to anie other perſons, and their heires, to and for the proviſion, ſuſtentation, or mayntenaunce of any of the ſayde houſes of Correction, or abiding houſes, or of any of the ſayd ſtockes and ſtores, to the uſes aforeſaid, and none other, without any licence of Mortmayne therein to be obtayned, or anie writ of Ad quod dampnum to be ſued out for the ſame, the Actes De terra ad manum mortuam non ponend', or anie other Act or Statute, Law, Cuſtome, or Uſage, heretofore had or made to the contrarie, in anie wiſe notwithſtanding. Saving to our ſayde Soveraigne Ladie, her heires and ſucceſſours, and to the Lords of the Fee, all their rents and ſervices going out of the ſayd Lands, Tenements, and Hereditaments, ſo to be amortiſed as aforeſayd.

— without Licence of *Mortmain.*

35 Eliz. Cap. 7.

A.D. 1592.

In an Act, Entituled, *An Act for the Reviving*, &c. *of divers Statutes.*

The ſaid Licence to give Lands, *&c.* to Abiding-houſes, continued for 20 Years more.

EXP.

X. And be it alſo enacted by the authority aforeſaid, That it ſhall be lawful for every perſon, for and during the ſpace of twenty years next enſuing, to make feoffments, grants, or any other aſſurances, or by laſt Will in writing to give and bequeath in fee-ſimple, as well to the uſe of the poor, as for the proviſion, ſuſtentation or maintenance of any houſe of correction, or abiding houſes, or of any ſtockes or ſtores, all or any part of ſuch his Lands, Tenements and Hereditaments, and in ſuch manner and form as he might have done, to and for the proviſion, ſuſtentation, or maintenance of any houſes of correction, or abiding houſes, or of any ſtocks or ſtores, by force of the * ſaid ſtatute.

* 18 Eliz. c. 3.

39 Eliz. Cap. 5.

A.D. 1596.

An Act for erecting of Hoſpitals, or abiding and Working Houſes for the Poor

No Perſon, by Law, may Incorporate Hoſpitals, without Licence;

Whereas at the late Seſſion of Parliament, proviſion was made as well for maimed Souldiers by Collection in every Pariſh, as for other poor, that it ſhould be lawful for every perſon, during twenty years next after the ſaid Parliament, by Feoffment, Will in writing, or other Aſſurance, to give and bequeath in Fee-ſimple, as well to the uſe of the poor, as for the proviſion, ſuſtentation, or maintenance of any Houſe of correction, or abiding Houſes, or of any Stocks or Stores, all or any part of his Lands, Tenements, or Hereditaments: Her moſt excellent Majeſty underſtanding and finding that the ſaid good Law hath not taken ſuch effect as was intended, by reaſon that no perſon can erect or incorporate any Hoſpital, Houſes of correction, or abiding places, but her Majeſty, or by her Highneſs ſpecial Licence by Letters Patents under the Great Seal of England in that behalf to be obtained: Her Majeſty graciouſly affecting the good ſucceſs of ſo good and charitable works, and that without often ſuit unto her Majeſty, and with as great eaſe and little charge as may be, is of her Princely care and bleſſed diſpoſition to and for the relief and comfort of maimed Souldiers, Mariners, and other poor and impotent people, pleaſed and contented that it be enacted by authority of this preſent Parliament, and be it enacted by the authority of this preſent Parliament, That all any every [l] perſon and perſons ſeized of an Eſtate in Fee-ſimple, their

—but now (for the Encouragement of ſuch Works)

Enacted, that

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[l] **Perſon and Perſons.**] Theſe Words, regularly, do extend to any Body Politick or Corporate, which is not reſtrained from Alienation by Act of Parliament.

2 Inſt. 723.

Heirs,

The Erection and Government of Hoſpitals.

† Made perpetual, 21 Jac. 1.

Heirs, Executors or Aſſigns, at his or their wills and pleaſures, ſhall have [m] full power ſtrength, licence, and lawful authority, at any time during the ſpace of † twenty years next enſuing, by Deed inrolled in the High Court of Chancery, to Erect, Found and Eſtabliſh one or more Hoſpitals, Meaſons de Dieu, Abiding place or Houſes of correction, at his or their will and pleaſure, as well for the finding, ſuſtentation and relief of the maimed, poor, needy or impotent people, as to ſet the poor to work, [n] to have continuance for ever, and from time to time to place therein ſuch Head and Members, and ſuch number of poor as to him, his heirs and aſſigns ſhall ſeem convenient: And that the ſame Hoſpitals or Houſes ſo founded, ſhall be incorporated, and have perpetual ſucceſſions for ever, in fact, deed and name, and of ſuch Head, Members, and numbers of poor, needy, maimed or impotent people as ſhall be appointed, aſſigned, limited or [o] named by the Founder or Founders, his or their heirs, executors or aſſigns, by any ſuch Deed inrolled: And that ſuch Hoſpital, Meaſon de Dieu, abiding place or houſe of correction, and the perſons therein placed, ſhall be incorporated, named, and called by ſuch name as the ſaid Founder or Founders, his heirs executors or aſſigns, ſhall ſo limit, aſſign and appoint: And the ſame Hoſpital, Meaſon de Dieu, abiding place, or houſe of correction ſo incorporated and named, ſhall be a body corporate and politick, and ſhall by that name of incorporation, have full power, authority, and lawful capacity and ability to purchaſe, take, hold, receive, enjoy, and have, to them and to their ſucceſſors for ever, as well goods and chattels, as manors, lands, tenements and hereditaments, being freehold, of any perſon or perſons whatſoever (So that the ſame exceed not the yearly value of two hundred pounds above all charges and repriſes, to any one ſuch abiding houſe, Hoſpital, Meaſon de Dieu, or houſe of correction; and ſo as the ſame, or any part thereof, be not holden of our Sovereign Lady the Queen, her Heirs or Succeſſors, immediately in chief, or elſe of our ſaid Sovereign Lady the Queen, or any other perſon by Knights ſervice) without Licence or Writ of Ad quod damnum; the Statute of Mortmain, or any other Statute or Law to the contrary notwithſtanding: And that the ſame Hoſpital, Meaſon de Dieu, abiding place or houſe of correction, and the perſons ſo being incorporated, founded and named, ſhall have full power, and lawful authority, by the true name of the incorporation thereof, to ſue and to be ſued, implead and to be impleaded, to anſwer and to be anſwered in all manner of Courts and Places that now are, or hereafter ſhall be within this Realm, as well temporal as ſpiritual, in all manner of Suits whatſoever, and of what nature and kind ſoever ſuch Suits or Actions be or ſhall be: And that the ſame Hoſpital, Meaſon de Dieu, abiding houſe or houſes of Correction, ſhall have and enjoy for ever ſuch a common Seal or Seals as by the ſaid Founder or Founders, his or their heirs, executors or aſſigns, ſhall be in writing under his or their hand and ſeal aſſigned, named or appointed, whereby the ſame Corporation ſhall or may ſeal any manner of Inſtrument touching the ſame Incorporation, and the Lands, Tenements, Hereditaments, Goods, or other things thereto belonging, or in any wiſe touching or concerning the ſame: And further ſhall be ordered, directed, [p] and viſited, placed, or upon juſt cauſe diſplaced, by ſuch perſon or perſons, bodies politick or corporate, their heirs, ſucceſſors or aſſigns, as ſhall be nominated or aſſigned by the Founder or Founders thereof, their heirs or aſſigns, according to ſuch Rules Statutes and Ordinances as ſhall be ſet forth, made, deviſed or eſtabliſhed by the ſaid Founder or Founders, their heirs or aſſigns, in writing under

— any perſon may found a Hoſpital by Deed inrolled in Chancery, for 20 years to come;

— which Hoſpital ſhall be a Corporation, under ſuch name as the Founder ſhall appoint;

— and may purchaſe, *&c.* to the value of 200 *l. per Ann.* any Lands (not holden in *Capite*, or by *Knights* ſervice) without Licence;

— and may ſue, and be ſued, *&c.*

— and enjoy a common Seal;

— and be governed by ſuch Statutes, as the Founder ſhall appoint in writing, under Hand and Seal;

2 Inſt. p. 723.

[m] **Full Power.**] 'This (ſaith my Lord *Coke)* is a very *beneficial* Law: for the Charges of Incorporation, and 'of the Licence of Mortmain, were grown ſo great by one 'means or other, as diſcouraged many Perſons to undertake theſe pious and charitable Works; whereas, in former times, ſuch Works of Piety and Charity for the 'Poor, did ever paſs *in formâ pauperis*, and ſo we hope to 'ſee them again.'

Ibid.

[n] **To have Continuance for ever**] The Founder cannot erect any of theſe for *years*, *lives*, or any other *limited* Time; but for ever.

Ibid.

[o] **Named by the Founder.**] So as the Perſons to be by this Act Incorporated, muſt be there placed, and named, at the time that the Founder giveth them their Name of Incorporation: for the Parliament Incorporateth them, and the Founder only giveth them their Name. —— Altho' at the Common Law, a Corporation may be of an Hoſpital (*i. e. in poteſtate*, of certain Perſons to be Governours of the Hoſpital) and not of the *Perſons placed therein*; yet the ſafeſt and ſureſt Way upon this Statute, is, firſt to prepare the Hoſpital, and to place the Poor therein, and then to *Incorporate* the Perſons therein placed.

Ibid. p. 724.

[p] **And Viſited.**] *If the Founder limit not who ſhall Viſit* (ſaith my Lord *Coke) the* Biſhop of *the Dioceſe ſhall*; for which he refers us to Stat. 2 *H.* 5. c. 1. and ſays nothing of his Diſtinction between *Spiritual* and *Lay* Hoſpitals. But it is to be noted, that as the ſaid Statute 2 *H.* 5. c. 1. recogniſes and confirms the Power which the Biſhop *de jure* had to Viſit Hoſpitals and other Charitable Foundations; ſo are there no Words in this Statute, which take that Power from him. For as to the Appointment here mentioned, of certain Perſon or Perſons, to Order, Direct, and Viſit; this ſeems not to *exclude* thoſe from Viſiting who by Common-Law, and by expreſs Act of Parliament, had a general Right before to Viſit Hoſpitals; inaſmuch as the ſame Place may well be Viſitable by *two* different Powers. So it is, in the Caſe of every Cathedral, and every Dioceſe; which are Viſitable, as well by the *Metropolitan*, as by the Biſhop. And as to what is uſually ſaid by the Common-Lawyers, on this Occaſion, that where a Local Viſitor is appointed, the Viſitation of the Ordinary can be exerciſed upon the *Perſons* only, according to the *Canons of the Church*, and not according to the *Local Statutes*; this is, and ever ſince the time of *Henry 8th* hath been, underſtood otherwiſe; ſince the Biſhops of the Churches of *New Foundation* (who are conſtituted *Local Viſitors* by the King) do always Viſit upon the Local Statutes when they Viſit triennially and *jure Ordinario*, as much as when they Viſit *jure Locali*.

his or their hand and ſeal, not being repugnant or contrary to the Laws and Statutes of this Realm; Any Law, Statute, Cuſtom, Uſage, or other thing whatſoever to the contrary in any wiſe notwithſtanding: And that it ſhall be lawful unto the Founder or Founders, his and their heirs or aſſigns, upon the death or removing any of any head or member of ſuch Corporation, to place one other in the room of him that dyeth, or is removed, ſucceſſively for ever.

— which Founder and his heirs ſhall have the diſpoſal of all Places.

Leaſes of ſuch Corporations, above 21 years, and without the accuſtomed Rent reſerved, ſhall be void:

II. Provided always, That all Leaſes, Grants, Conveyances or Eſtates to be made by any Corporation ſo to be founded as aforeſaid, exceeding the number of one and twenty years, and that in poſſeſſion, and whereupon the accuſtomable yearly rent or more, by the greater part of twenty years next before the taking of ſuch Leaſe, ſhall not be reſerved and yearly payable, ſhall be void: Saving to all perſons, bodies politick and corporate, their heirs and ſucceſſors, (other then the founders and givers, their heirs and ſucceſſors) all ſuch right, title, claim, poſſeſſion, rents, ſervices, commons, demands, intereſt and profits which they or any of them ſhall have, or of right ought to have, of, in or to any the lands, tenements or hereditaments hereafter to be given, limited or aſſigned in form aforeſaid, in as ample manner as if this Statute had never been had or made.

Saving of Rights to others.

This Act ſhall not enable perſons within age, Women Covert, nor of *non-ſane* memory.

III. Provided alſo, That this Act, or any thing therein contained, ſhall not extend to enable any perſon or perſons being within age, women covert, without their husbands, or not ſanæ memoriæ, to make any ſuch Corporation, or to endow the ſame; Any thing in this preſent Act to the contrary thereof in any wiſe notwithſtanding.

No Hoſpital ſhall be erected, without an Endowment of 10*l. per Ann.*

IV. Provided always, That no ſuch Hoſpital, Meaſon de Dieu, Abiding place, or Houſe of correction, ſhall be erected, founded or incorporated by force of this Act, unleſs upon the foundation or erection thereof, the ſame be endowed for ever with lands, tenements or hereditaments of the clear yearly value of x l. by the year.

No Corporation founded by this Act, ſhall alienate their Lands, *&c.*

V. Provided alſo, and be it further enacted, That no ſuch incorporation to be founded by force of this Act, ſhall at any time hereafter, do or ſuffer to be done, any Act or thing whereby, or by means whereof, any of the lands, tenements, hereditaments, ſtock, goods or chattels of ſuch incorporation, or any eſtate, intereſt, poſſeſſion or property of or in the ſame, or any of them, ſhall be veſted or transferred in or to any other whatſoever, contrary to the true meaning of this Act: And that ſuch conſtruction ſhall be made upon this Act as ſhall be moſt beneficial and available for the maintenance of the poor, and for repreſſing and avoiding of all Acts and devices to be invented or put in ure contrary to the true meaning of this Act.

— and the Act ſhall be conſtrued moſt *beneficially* for the Poor.

A.D.1623.

21 Jac. I. Cap. 1.

An Act for the Reviving and making perpetual of one Act made in the nine and thirtieth year of the late Queen Elizabeth, *Intituled*, An Act for erecting of Hoſpitals, and Abiding and Working-houſes, for the Poor.

Recital of 39 *Eliz.* c. 5.

Whereas in the Parliament held in the Nine and thirtieth year of the Reign of the late Queen Elibabeth of happy memory, a good Law was made, entituled, An Act for erecting of Hoſpitals, or abiding and working Houſes, for the Poor: but the power, licence and authority given by the ſaid Statute, to erect, found and eſtabliſh ſuch houſes and abiding places, as are therein mentioned, was confined to the ſpace of twenty years then next enſuing, which ſaid time is now expired:

— and Enacted, that the ſaid Act ſhall be perpetual.

II. Be it therefore enacted by the authority of this preſent Parliament, That the ſaid Act, and all things therein contained, ſhall from henceforth be revived and made perpetual to have continuance for ever.

All Hoſpitals, founded ſince, or to be founded, ſhall enjoy the full benefit of the ſaid Act.

III. And be it alſo enacted, that all Hoſpitals, Meaſons de Dieu, and abiding places for poor, lame, maimed, and impotent people, or for houſes of Correction, at any time ſince the ſaid twenty years expired, erected, founded or made, or at any time hereafter to be erected, founded or made, according to the purport of the ſaid Statute, ſhall be incorporated, and have perpetual ſucceſſion, and capacity to have, take and enjoy all other priviledges, benefits and immunities, to all intents and purpoſes, according to the proviſions, tenor, purport, and true meaning of the ſaid Act, as if the ſame had been made, founded or endowed within the ſpace of twenty years next enſuing the ſaid Statute.

Exemptions and Aſſurances of the Revenues of Schools and Hoſpitals.

CAP. IV.

Exemptions and Aſſurances of the Revenues of SCHOOLS *and* HOSPITALS.

A.D. 1558.

1 Eliz. Cap. 4.

In an Act Entituled, *An Act for the Reſtitution of the Firſt-Fruits to the Crown.*

§. XL. PRovided alſo, That this Act, nor any thing therein contained, ſhall not in any wiſe extend to charge any Hoſpital founded and uſed, and the poſſeſſions thereof employed to and for the relief of poor people, or any School or Schools, or the Poſſeſſions or Revenues of them, or any of them, with the payment of any Tenths or Firſt-fruits: any thing in this Act before mentioned to the contrary in any wiſe notwithſtanding.

Hoſpitals and Schools exempted from Tenths and Firſt fruits.

A.D. 1562.

5 Eliz. Cap. 24. — *and in all the Subſidies of the Clergy.*

In the Acts confirming the Subſidies of the Clergy.

EXP.

XX. Provided alwaies, that this Subſidy granted by the Cleargie, ſhall not be demanded or levied out of any benefice, Houſe of Students, or Colledge, ſcituate or ſet within the Univerſities of Cambridge aud Oxford, or of any benefice or other revenues unto the ſaid Univerſities, or either of them, or to any Houſe of the Students, or Colledge in the ſame United, Appropried, or appertaining, or of the Colleges of Windſor, or Eaton nigh Windſor, or of the Colledge called St. Marie Colledge by Wincheſter, founded by William Wickham, ſometime Biſhop of Wincheſter, or of any Hoſpitals or Grammar-ſchooles, or of any other Church or Benefice, or of any other revenues of the ſaid Univerſities, Houſes, Colledges, Hoſpitals, Almeſhouſes, Almeſhals, or Grammar-ſchooles, or to any of them annexed, appropriated, or otherwiſe appertaining.

Among other Places,

Hoſpitals and Grammar-Schools excepted out of the Subſidies of the Clergy.

A.D. 1711.

10 Annæ, Cap. 1. —— *and the like, to* 3 Georg. Cap. 3. *incl'.*

In an Act, Entituled, *An Act for Granting an Aid to Her* [*and His*] *Majeſty, to be Raiſed by a Land-Tax in* Great Britain, *&c.*

XX. * Provided, That nothing in this Act contained, ſhall extend to charge any Colledge or Hall in either of the Two Univerſities of Oxford and Cambridge, or the Colledges of Windſor, Eaton, Winton, or Weſtminſter, or the Corporation of the Governours of the Charity for the Relief of the poor Widows and Children of Clergy-men, or the College of Bromley, or any Hoſpital in England, Wales, and Berwick upon Tweed, for or in reſpect of the Sites of the ſaid Colleges, Halls or Hoſpitals, or any of the Buildings within the Walls or Limits of the ſaid Colleges, Halls or Hoſpitals, or any Maſter, Fellow, or Scholar, or Exhibitioner of any ſuch College or Hall, or any Reader, Officer or Miniſter of the ſaid Univerſities, Colleges or Halls, or any Maſters or Uſhers of any Schools in England; Wales or Berwick upon Tweed, for or in reſpect of any Stipends, Wages, Rents, Profits or Exhibitions whatſoever, ariſing or growing due to them, in reſpect of the ſaid ſeveral places and Imployments in the ſaid Univerſities, Colleges or Schools; or to charge any of the Houſes or Lands, which on or before the Five and twentieth Day of March, One thouſand ſix hundred ninety and three, did belong to the Sites of any College or Hall in England, Wales, or Berwick upon Tweed, or to Chriſt's-Hoſpital, St. Bartholomew, Bridewell, St. Thomas, and Bethlehem-Hoſpital, in the City of London, and Borough of Southwark, or any of them, or to the ſaid Corporation of the Governors of the Charity for the Relief of the poor Widows and Children of Clergymen, or the College of Bromley, or ſhall extend to charge any other Hoſpitals or Almſhouſes in England, Wales, or Berwick upon Tweed, for or in reſpect only of any Rents aud Revenues, which on or before the ſaid Five and twentieth Day of March, One thouſand ſix hundred ninety and three, were payable to the ſaid Hoſpitals or Alms-houſes, being to be Received and Disburſed for the immediate Uſe and Relief of the Poor in the ſaid Hoſpitals and Alms-houſes only.

* The like Exemption of Univerſities, Colleges, *Hoſpitals* and *Schools*, is found in the Aids granted by Parliament as far back, as the reign of Edw. 6.

The Aid by a Land Tax ſhall not extend to the *Sites* of the 2 Univerſities, nor to the Colleges of *Windſor*, *Eaton*, *Winton*, or *Weſtminſter*;

— nor to the Stipends of the Members;

— nor to the Stipends of Maſters or Uſhers of Free-Schools;

— nor to the Houſes or Lands belonging to the Sites of any College or Hall, or any Hoſpital in *London* or *Southwark*, or to the Corporation for Clergymens Widows, or to *Bromley* College;

— nor to any Revenues of Hoſpitals to be employed for the immediate Relief of the Poor.

XXI. Provided, That no Tenants that hold and enjoy any Lands or Houſes by Leaſe or other Grant from the ſaid Corporation, or any of the ſaid Hoſpitals or Alms-houſes, do claim or enjoy any Freedom, Exemption or Advantage by this Act; but

Tenants of the ſaid Corporation and Hoſpitals ſhall pay for the yearly value of Lands or Houſes holden by them, over and above the Rents.

but that all the Houſes and Lands, which they ſo hold, [pp] ſhall be Rated and Aſſeſſed for ſo much as they are Yearly worth, over and above the Rents reſerved and Payable to the ſaid Corporation, or to the ſaid Hoſpitals or Alms-houſes, to be Received and Diſburſed for the immediate Support and Relief of the Poor of the ſaid Hoſpitals and Alms-houſes.

No Tenants, *&c.* ſhall be diſcharged by this Act, if they are charged with Payment by Leaſe.

XXII. Provided always, That nothing in this Act contained, ſhall be Conſtrued or Taken to Diſcharge any Tenant of any of the Houſes or Lands belonging to the ſaid Colleges, Halls, Hoſpitals, Alms-houſes, or Schools, or any of them, who by their Leaſes, or other Contracts, are and do ſtand obliged to pay and diſcharge all Rates, Taxes and Impoſitions whatſoever; but that they, and every of them, ſhall be Rated and Pay all ſuch Rates, Taxes and Impoſitions; Any thing in this Act contained to the contrary notwithſtanding.

Doubts concerning the Aſſeſment of Hoſpitals not exempted by this Act,

—ſhall de determined by the Commiſſioners.

XXIII. And in caſe any Queſtion hath been or ſhall be made, how far any Lands or Tenements, belonging to any Hoſpital or Alms-houſe, in England, Wales, or Berwick upon Tweed, not exempted by Name out of this Act, ought to be Aſſeſſed and Charged with the Land-Tax; Be it Enacted and Declared, That the ſame ſhall be determined by the ſaid Commiſſioners, or any Three of more of them, Two of the ſaid Commiſſioners, who ſigned or allowed ſuch Aſſeſſment being of that Number, upon Appeal before them at the Day or Days by them appointed for the Hearing and Determining of Appeals; whoſe Determination in ſuch Caſe ſhall be final.

All Lands, *&c.* of Hoſpitals that were charged 4 *W. M.* ſhall be charged,

—and no other.

XXIV. Provided always, and it is hereby Enacted, That all ſuch Lands, Revenues, or Rents, belonging to any Hoſpital or Alms-houſes, or ſettled to any Charitable or Pious Uſe, as were Aſſeſſed in the Fourth Year of the Reign of Their late Majeſties King William and Queen Mary, ſhall be and are hereby adjudged to be liable to be Charged towards the Payments of this preſent Aid; And that no other Lands, Tenements, Hereditaments, Revenues, or Rents whatſoever, then belonging to any Hoſpital or Alms-houſes, or ſettled to any Charitable or Pious Uſes, as aforeſaid, ſhall be Charged, Taxed, or Aſſeſſed, by Virtue of this preſent Act, towards the ſaid Sum to be raiſed in England, Wales, and Berwick upon Tweed, as aforeſaid; Any thing herein contained to the contrary in any wiſe notwithſtanding.

Salk. 2. p. 527.

[pp] Shall be Rated.] 1 *Annæ*, declar'd by *Holt* Chief Juſtice, in relation to their paying to the Poor, as follows: Hoſpital-Lands are chargeable to the Poor, as well as others; for no man, by appropriating his Lands to an Hoſpital, can diſcharge or exempt them from Taxes to which they were ſubject before, and throw a greater burden upon their Neighbours.

22 Car. II. Cap. 6. A.D. 1669.

In an Act, Entituled, *An Act for advancing the Sale of Fee-farm Rents, and other Rents.*

Fee-Farm Rents, given to Schools and Hoſpitals, ſhall be paid,

—and the Commiſſioners ſhall aſſign Sums, for the uſes aforeſaid.

XIV. Provided always, and be it enacted by the authority aforeſaid, That ſuch, and ſo much of the ſaid Fee-farm Rents and Premiſſes, and ſuch Sums of Money, Rents, Reſolute Penſions, Stipends, Salaries, Annuities, Alms, Corodies, Profits and Allowances as are due and payable, or which are chargeable upon, have been, or ought to be paid or allowed, to or for the maintenance of any Grammar School, or Scholars, or for or towards the Reparation of any —— Schools, Alms-houſes, —— upon, out of, or for the premiſſes, or any of them, to be ſettled upon Truſtees according to this Act, as aforeſaid; ſhall be and continue to be paid and allowed as they were and have been heretofore. And the ſaid Truſtees are hereby authorized and required to ſet out, convey, and aſſure unto ſuch perſon and perſons, —— as they the ſaid Truſtees ſhall think fit, in Truſt for the performance of the uſes aforeſaid, or any of them, ſuch of the ſaid Fee-farm Rents, Duties or ſums of Money payable as aforeſaid, as ſhall amount to any of the ſums ſo charged, limited or allowed, to or for the uſes or purpoſes aforeſaid; Any thing in this Act or Inſtructions to the contrary notwithſtanding.

CAP. V.

Regulations of CHARITABLE USES.

A.D. 1597.

39 Eliz. Cap. 6.

An Act to reforme deceipts and breaches of truſt touching Lands given to charitable uſes.

Regulations of Charitable Uſes.

WHereas divers Colledges, Hoſpitals, Almes houſes, and other places within this Realme of England, have been founded and ordayned, ſome of them by the Queenes moſt excellent Maieſtie, and by other her noble progenitors, and ſome by other godly and well diſpoſed perſons, for the charitable reliefe of poore, aged, and impotent people, maimed ſouldiers, Schooles of learning, Orphans, and for ſuch other good, charitable and lawfull purpoſes and intents: And where divers Lands, Tenements, and hereditaments, Leaſes, goods and chattels, have beene given, limited and appointed for the like charitable, good and lawfull uſes, intents and purpoſes: as alſo for reparation of high wayes, amendment of Bridges and Sea banks, for the maintenance of free Schooles and poore Schollers, and alſo for the reliefe and preferment of Orphans and fatherleſſe children, and ſuch like good, lawfull and charitable uſes: which Lands, Tenements and hereditaments, goods, Leaſes and chattels, have been, and are ſtill like to be moſt unlawfully and uncharitably converted to the lucre and gaine of ſome few greedy and covetous perſons, contrary to the true intent and meaning of the givers and diſpoſers thereof: To the end ſuch godly and charitable purpoſes and uſes may be from henceforth obſerved and continued, according to the true intent and meaning of the givers and Founders thereof, and according to the true intent and meaning of any the foreſaid good, godly, and charitable uſes and intents: Be it enacted by the Queene our Sovereigne Lady, the Lords ſpirituall and temporall, and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that it ſhall and may be lawfull to and for the Lord Chancellor, or Keeper of the great Seale of England for the time being, and for the Chancellor of the Duchy of Lancaſter for the time being for lands within the County palatine of Lancaſter, from time to time to award Commiſſions under the great Seale of England, or the Seale of the County Palatine as the caſe ſhall require, into all or any part or parts of this Realme, reſpectively, according to their ſeverall juriſdictions as aforeſaide, to the Biſhop of every ſeveral Dioceſſe and his Chancellor, and to other perſons of good and ſound behaviour; authorizing them thereby to enquire as well by the oathes of twelve lawfull men of the Countie, as by all other good and lawfull wayes and meanes, of all and ſingular ſuch gifts, limitations and purpoſes, and of the abuſes and miſdemeanors, miſimployments, falſities, defrauding of the truſts, intents and purpoſes, alienations or miſgovernments, which have beene had, or at any time hereafter ſhall bee had or made, and of all and every other matter, thing and cauſe, whereby or by meanes whereof the good and godly uſes aforeſaid, cannot or may not be maintained, executed and performed, according to the true intent and meaning of the Donours or Founders, and according to the true intent and meaning of any the aforeſaid good, godly and charitable uſes and intents: And after ſuch inquiry made, upon hearing and examining thereof, to ſet down ſuch orders, judgment and decrees, as the ſaid good, godly, and charitable uſes may be truly obſerved in full, ample and moſt liberall ſort, according to the true intent and meaning of the Founders or Donours thereof. Which orders, judgments and decrees, not being contrary or repugnant to the orders, ſtatutes, or decrees of the Donors or Founders, ſhall, by the authoritie of this preſent Parliament, ſtand firme and good according to the tenour and purport thereof.

Divers Charitable uſes, to which Lands, &c. have been given,

— And the abuſes thereof.

Enacted, that,

— The Ld. Chancellor may award Commmiſſions, to the Biſhops, and others,

— who ſhall enquire into the State of ſuch charitable Foundations, and the abuſes thereof,

— and make Orders for the more faithful Employment;

— Which Orders ſhall ſtand firm and good.

II. Provided always, that neither this Act, nor any thing therein conteined, ſhall in any wayes extend to any Colledges, Hals, or houſes of learning, within the Univerſities of Oxford or Cambridge, or to the Colledges of Weſtminſter, Eaton, or Wincheſter, or any of them, nor to the lands, revenues or poſſeſſions thereunto belonging: neither to any Cathedrall Church within this Realme of England, nor to the lands, or poſſeſſions thereunto appertaining or belonging.

This Act ſhall not extend to the Univerſities, nor *Weſtminſter*, *Eaton* and *Wincheſter*; nor to any Cathedral;

III. Provided alſo, that neither this Act, nor any thing therein, ſhall extend to any citie or towne corporate, or to any the lands or tenements, given to the uſes aforeſaid within any ſuch Citie or Towne corporate, where there is a ſpeciall Governor or Governours, appointed to governe or direct ſuch Lands, tenements or things diſpoſed to any the uſes aforeſaid: neither to any Colledge, Hoſpitall or free Schoole, which have ſpeciall Viſitors or Governors, or overſeers, appointed them by their Founders.

— nor to any Charity in a Corporation, where there is a ſpecial Governour;

— nor to other place, where are ſpecial Viſitors.

IV. Provided alſo, and be it enacted by the authority aforeſaid, that neither this Act, nor any thing therein conteined, ſhall be any way prejudicial or hurtful to the juriſdiction or power of the Ordinarie: but that he may lawfully in every cauſe execute and performe the ſame, as though this Act had never been had or made.

Proviſo, for the Ordinary Juriſdiction.

V. Provided alſo, that no perſon or perſons that hath, or ſhall have any of the lands, tenements, or hereditaments, goods or chattels, given, limited or appointed to or for any the uſes, purpoſes or intents aforeſaid, ſhall intermeddle as a Commiſſioner in any the Cauſes aforeſaid.

No perſon, who hath any of the Lands, &c. ſhall be a Commiſſioner.

VI. Provided always, and it is further enacted by the authority aforeſaid, that all ſuch orders, judgments and decrees, as ſhall be ſo ſet downe by the ſaid Commiſſioners as is aforeſaid, ſhal be certified under the ſeales of the ſaid Commiſſioners, either into the Court of the Chancery of England, or into the Court of the Chancery within the County Palatine of Lancaſter, as the caſe ſhall require reſpectively, according to their ſeveral juriſdictions, within ſuch convenient time as ſhall be limited in the ſaid Commiſſions: And that the ſaid Lord Chancellor or Lord Keeper,

Decrees made by the Commiſſioners ſhall be Certified into Chancery,

— and the Lord Chancellor ſhall take order for the due execution,

— and may give redreſs to any perſon grieved thereby.

Keeper, and the ſaid Chancellor of the Dutchie, ſhall and may within their ſeveral juriſdictions, take ſuch order for the due execution of all or any of the ſaid judgments, decrees and orders, as to either of them ſhall ſeem fit and convenient; And that, if after any ſuch Certificate or Certificates made, any perſon or perſons ſhall find themſelves grieved with any of the ſaid orders, judgements or decrees, That then it ſhall and may be lawful to and for them, or any of them, to complaine in that behalfe unto the ſaid L. Chancellor or L. Keeper, or to the Chancellor of the ſaid Dutchy of Lancaſter, according to their ſeverall juriſdictions, for redreſſe therein: And that upon ſuch complaint the L. Chancellor or L. Keeper, or the ſaid Chancellor of the Dutchie, may, according to their ſaid ſeveral juriſdictions, proceed to the examination, hearing and determining hereof as to either of them in their ſaid ſeveral juriſdictions ſhall be thought to ſtand with equity and good conſcience: Any thing in this Act conteined to the contrary hereof in any wiſe notwithſtanding.

43 Eliz. Cap. 9.

A.D. 1601.

In an Act, Entituled, *An Act for Continuance of divers Statutes*, &c.

The foregoing Act ſhall be repealed,

XXX. And be it alſo further Enacted by the authority of this preſent Parliament, That one Act made in the nine and thirtieth year of the Queens Majeſties Reign that now is, entituled, An Act to reform deceits and breaches of truſts, touching lands given to charitable uſes, be from henceforth utterly repealed.

— except as to the Execution of Orders and Decrees already made in virtue thereof.

XXXI. And yet nevertheleſs, Be it Enacted by the authority of this preſent Parliament, That ſo much of the ſaid Act as concerneth execution of Orders, Judgments and Decrees heretofore made by Commiſſioners aſſigned by virtue of the ſaid Act, and examination, hearing and determining of the ſaid Orders, Judgments and Decrees by ſuch Commiſſioners heretofore made, ſhall ſtand and remain in force only as for and concerning ſuch Judgments and Decrees as heretofore have been made by virtue of the ſame Act, and of Commiſſions thereupon awarded.

43 Eliz. Cap. 4.

A.D. 1601.

An Act to redreſs the miſ-imployment of Lands, Goods, and Stocks of Money, heretofore given to certain Charitable Uſes.

Divers Charitable uſes to which Lands, *&c.* have been given,

— and the abuſes thereof.

Enacted, that,

— The Ld. Chancellor ſhall award Commiſſions to the Biſhops and others,

Whereas lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, mony, and ſtocks of mony, have been heretofore given, limited, appointed and aſſigned, as well by the Queens moſt excellent Majeſty, and her moſt noble progenitors, as by ſundry other well diſpoſed perſons: ſome for relief of aged, impotent and poor people, ſome for maintenance of ſick and maimed ſouldiers and mariners, Schools of learning, free Schools, and Schollers in Univerſities, ſome for repair of bridges, ports, havens, cauſ-ways, Churches, Sea-banks, and high-ways, ſome for education and preferment of Orphans, ſome for or towards relief, ſtock, or maintenance for houſes of correction, ſome for marriages of poor maids, ſome for ſupportation, aid and help of young tradeſmen, handicraftsmen, and perſons decayed, and other for relief or redemption of priſoners or captives, and for aid or eaſe of any poor inhabitants concerning payments of Fifteens, ſetting out of ſouldiers, and other taxes: which lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, and ſtocks of money, nevertheleſs, have not been employed according to the charitable intent of the givers and founders thereof, by reaſon of frauds, breaches of truſt, and negligence in thoſe that ſhould pay, deliver, and imploy the ſame: For redreſs and remedy whereof, Be it enacted by authority of this preſent Parliament, That it ſhall and may be lawful to and for the Lord Chancellor or Keeper of the great Seal of England for the time being, and for the Chancellor of the Dutchy of Lancaſter for the time being, for lands within the County Palatine of Lancaſter, from time to time to award Commiſſions under the great Seal of England, or the Seal of the County Palatine, as the caſe ſhall require, into all or any part or parts of this Realm, reſpectively, according to their ſeveral Juriſdictions, as aforeſaid, [q] to the Biſhop of every ſeveral Dioceſs and his Chancellor [r] (in caſe there ſhall be any Biſhop of that Dioceſs, at the time

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Law of Char. Uſes, p. 62.

[q] **To the Biſhop]** It was reſolved 44 *Eliz.* by *Egerton*, *Popham*, *Anderſon*, and *Cook* Attorney General, that the See being full at the Time of Sealing the Commiſſion, if the Bp. is not named Commiſſioner, the Commiſſion is void; but if he be named, it is not requiſite that he be preſent at the Execution, for that none is of the *Quorum*; but any four or more may *Execute* the ſame, without the preſence of the Biſhop or his Chancellor.

Ibid.

[r] **In caſe there ſhall be any Biſhop]** It was reſolved in the laſt mentioned Caſe, that if the See of the Biſhop be void at the *Sealing* of the Commiſſion, then the Biſhop need not be named a Commiſſioner, *neither his Chancellor*. Or, if the Biſhop be named a Commiſſioner, and die before the Certificate returned; this doth not avoid the Commiſſion, but the other Commiſſioners may proceed.

of

Regulations of Charitable Uſes.

— who ſhall enquire into the State of ſuch charitable Foundations, and the Abuſes thereof;

— and make Orders for the more faithful Employment;

— which Orders ſhall ſtand firm and good, till altered by the Ld. Chancellor.

of awarding of the ſame Commiſſions) and to other perſons of good and ſound behaviour; authorizing them thereby, or any four or more of them, to enquire, as well by the oaths of twelve lawful men or more [s] of the County, as [t] by all other good and lawful ways and means, of all and ſingular ſuch [u] gifts, limitations, aſſignments, and appointments aforeſaid, and of the abuſes, breaches of truſts, negligences, miſ-imployments, not imploying, concealing, defrauding, miſ-converting, or miſ-government of any lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, or ſtocks of money, heretofore given, limited, appointed or aſſigned, or which hereafter ſhall be given, limited, appointed or aſſigned, to or for any the charitable and godly uſes before rehearſed. And after the ſaid Commiſſioners, or any four or more of them (upon calling the [w] parties intereſſed in any ſuch lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, and ſtocks of money) ſhall make enquiry by the oaths of twelve men or more of the ſaid county, (whereunto the ſaid parties intereſſed ſhall and may have, and take their lawful challenge and challenges) and upon ſuch enquiry, hearing and examining thereof, ſet down ſuch orders, judgments and decrees, as the ſaid lands, tenements, rents, annuities, profits, goods, chattels, money, and ſtocks of money, may be duly and faithfully imployed, to and for ſuch of the charitable uſes and [x] intents before rehearſed, reſpectively, for which they were given, limited, aſſigned or appointed by the Donors and Founders thereof. Which orders, judgments and decrees, not being contrary or repugnant to the orders, ſtatutes or decrees of the Donors or Founders, ſhall, by the authority of this preſent Parliament, ſtand firm and good, according to the tenor and purport thereof, and ſhall be executed accordingly, until the ſame ſhall be undone or altered by the Lord Chancellor of England, or Lord Keeper of the great Seal of England, or the Chancellor of the County Palatine of Lancaſter, reſpectively, within their ſeveral juriſdictions, upon complaint by any party grieved to be made to them.

This Act ſhall not extend to the Univerſities, nor to *Weſtminſter*, *Eaton*, or *Wincheſter*, nor to any Cathedral;

II. Provided always, that neither this Act, nor any thing therein contained, ſhall in any wiſe extend to any lands, tenements, rents, annuities, profits, goods, chattels, money, or ſtocks of money, given, limited, appointed or aſſigned, or which ſhall be given, limited, appointed or aſſigned to any Colledge, Hall, or houſe of Learning within the Univerſities of Oxford or Cambridge, or to the Colledges of Weſtminſter, Eaton, or Wincheſter, or to any of them, or to any Cathedral or Collegiate Church within this Realm.

— nor to any Charity to a Corporation, where there is a ſpecial Governour.

III. And provided alſo, That neither this Act, nor any thing therein, ſhall extend to any City or Town corporate, or to any the lands or tenements given to the uſes aforeſaid, within any ſuch City or Town-corporate, where there is a ſpecial Governor or Governors appointed to govern or direct ſuch lands, tenements, or things diſpoſed to any the uſes aforeſaid, neither to any Colledge, Hoſpital or Free-ſchool, which have ſpecial [y] Viſitors, or Governors, or Overſeers, appointed them by their Founders.

[s] Law of Char. Uſes, p. 80. Ibid. 64. **Of the County**] *i. e.* (as it was reſolved in the Caſe of the School of *Rugby)* of *that County*, where the Lands do lie; and not where the Charity ought to be employed, in caſe the Counties are different. But 5 years after (*viz.* 9 *Car.* 1.) it was further reſolved, in the Caſe of *Eaſt-Grinſted*, that if a Rent be granted out of Lands in *ſeveral* Counties, for maintenance of Charitable Uſes in one County; the Commiſſioners in that County where the Charitable uſe is to be performed, may make a Decree to charge the Lands in *other* Counties with an equal Contribution to the payment of the ſaid Rent; and that there need not *ſeveral Inquiſitions* in each County, for that the Rent is an entire Grant, by the Deed or Will.

[t] Ibid. p. 150. **By all other good and lawful ways**] Such are, *former Inquiſitions*, *Witneſſes*, *Rentals*, *Accounts*, *Eſtreats*, *&c.* and their own *proper knowledge:* By which means, they may ſupply the defects of the Inquiſition, in matters of particularity and circumſtance.

[u] Ibid. p. 82, 85. **Gifts, Limitations, Aſſignments**] It hath been often reſolved, that this Statute doth ſupply all the *Defects* of Aſſurances, where the Donor is of a Capacity to diſpoſe, and hath ſuch an Eſtate, as is any way diſpoſeable by him; as, if a Copyholder diſpoſes of Copyhold Lands to a charitable Uſe without a *Surrender*; or Tenants in tail convey Lands to a charitable Uſe without a *Fine*; or if a Reverſion be granted without *Attornment* or *Inrollment*; or if in the Deed, or Will, by which the charitable Uſes were firſt created and raiſed, there be *miſ-namings*; In theſe, and other like Caſes, the Defects are *ſupply'd* by this Statute, becauſe the Donor had a diſpoſing Power of the Eſtate, and theſe are good *Limitations* and *Appointments* within the preſent Statute.

[w] Ibid. 64. **Parties intereſſed**] It was reſolved in the ſaid Caſe of *Eaſt-Grinſted*, That tho' the Commiſſioners make a Decree *without ſuch giving notice* to the Parties, it is good. And if the Parties, upon their Appeal, do take Exception, that they had not any Notice, ſuch Defect ſhall not avoid the Decree, unleſs they ſhew (to the Satisfaction of the Lord Chancellor) that thereby they really loſt the Benefit of Exception to ſome Commiſſioner, or Challenge to ſome Juror; the intent of ſuch Notice being, that they may make their lawful Exceptions and Challenges.

[x] 2 Inſt. 712. **Intents**] The *Intent of the Founder* (ſaith my Lord *Coke)* is the *Lapis ductitius*, whereby the Commiſſioners muſt inſtitute their Courſe.

[y] Law of Char. Uſes, p. 68. Ibid. 69. **Viſitors or Governors**] In the Caſe of *Morpeth* in *Northumberland*, 5 *Car.* 1. and after that, in the Caſe of *Sutton Colfield* in the County of *Warwick*, 11 *Car.* 1. it was reſolved, that the meaning of this Clauſe is, where the Land is given to Perſons in truſt to perform a charitable Uſe, and the Donor hath appointed *ſpecial Viſitors* to ſee that the Truſtees perform the Uſe according to his intent; in which Caſe, if the *Truſtees* defraud the Truſt, the Commiſſioners cannot meddle, but the Viſitors are to perform it: But where the Viſitors are *Truſtees* alſo, there the Commiſſioners may, by their Decree, reform the Abuſe of the Charity: for otherwiſe, ſuch breach of Truſt would eſcape unpuniſh'd, unleſs in *Chancery* or in *Parliament*; which were a tedious and chargeable Suit for poor Perſons.

Proviſo, for the Ordinary Juriſdiction.

IV. Provided alſo, and be it enacted by the authority aforeſaid, That neither this Act, nor any thing therein contained, ſhall be any way prejudicial or hurtful to the juriſdiction, or power of the Ordinary, but that he may lawfully in every cauſe execute and perform the ſame, as though this Act had never been had or made.

No Perſon, who hath any of the Lands, &c. ſhall be a Commiſſioner.

V. Provided alſo, and be it enacted, That no perſon or perſons that hath or ſhall have any of the ſaid lands, tenements, rents, annuities, profits, hereditaments, goods, chattels, money, or ſtocks of money in his hands or poſſeſſion, or doth or ſhall pretend title thereunto, ſhall be named a Commiſſioner or a Juror for any the cauſes aforeſaid, or being named, ſhall execute or ſerve in the ſame.

None who have purchaſed ſuch Lands, not knowing of the Charitable uſe,

— ſhall be impeached by Decrees of the Commiſſioners;

— but ſuch Commiſſioners may make decrees for Recompence againſt perſons breaking the truſt, or defrauding the uſes.

VI. And provided alſo, That no perſon or perſons which hath purchaſed or obtained, or ſhall purchaſe or obtain upon valuable conſideration of money or land, any eſtate or intereſt of, in, to, or out of any lands, tenements, rents, annuities, hereditaments, goods or chattels, that have been, or ſhall be given, limited or appointed to any the charitable uſes above mentioned, without fraud or covin, having no notice of the ſame charitable uſe, ſhall not be impeached by decrees or orders of the Commiſſioners above-mentioned, for or concerning the ſame his eſtate or intereſt; And yet nevertheleſs, Be it enacted, That the ſaid Commiſſioners, or any four or more of them, ſhall and may make Decrees and Orders for recompence to be made by any perſon or perſons, who being put in truſt, or having notice of the charitable uſes above-mentioned, hath or ſhall break the ſame truſt, or defraud the ſame uſes by any conveyance, gift, grant, leaſe, demiſe, releaſe or converſion whatſoever, and againſt the heirs, executors and adminiſtrators of him, them, or any of them having Aſſets in law or equity, ſo far as the ſame Aſſets will extend.

Commiſſioners ſhall not make Decrees concerning Lands granted to the Queen, or to *Henry* 8. *Edw.* 6. or Queen *Mary*,

— unleſs aſſigned to Charitable uſes, ſince 1ſt. *Eliz.*

VII. Provided always, That this Act ſhall not extend to give power or authority to any Commiſſioners before mentioned, to make any orders, judgments or decrees, for or concerning any manors, lands, tenements, or other hereditaments, aſſured, conveyed, granted, or come unto the Queens Majeſty, to the late King Henry the eighth, King Edward the ſixth, or Queen Mary, by Act of Parliament, ſurrender, exchange, relinquiſhment, eſcheat, attainder, conveyance, or otherwiſe: And yet nevertheleſs, be it enacted, That if any ſuch manors, lands, tenements, or hereditaments, or any of them, or any eſtate, rent, or profit thereof, or out of the ſame, or any part thereof, have or hath been given, granted, limited, appointed or aſſigned to or for any the charitable uſes before expreſſed, at any time ſithence the beginning of her Majeſties Reign, That then the ſaid Commiſſioners, or any four or more of them, ſhall and may, as concerning the ſame lands, tenements, hereditaments, eſtate, rent, or profit ſo given, limited, appointed or aſſigned, proceed to enquire, and to make orders, judgments and decrees, according to the purport and meaning of this Act, as before is mentioned; the ſaid laſt mentioned proviſo notwithſtanding.

Decrees made by the Commiſſioners, ſhall be certified into Chancery;

VIII. And be it further enacted, That all orders, judgments and decrees of the ſaid Commiſſioners, or of any four or more of them, ſhall be certified under the Seals of the ſaid Commiſſioners, or any four or more of them, either into the Court of the Chancery of England, or into the Court of the Chancery within the County Palatine of Lancaſter, as the caſe ſhall require reſpectively, according to their ſeveral Juriſdictions, within ſuch convenient time as ſhall be limited in the ſaid Commiſſion.

—and the L. Chancellor ſhall take order for the due execution,

IX. And that the ſaid Lord Chancellor or Lord Keeper, and the ſaid Chancellor of the Dutchy, ſhall and may, within their ſeveral Juriſdictions, take ſuch Order for the due execution of all or any of the ſaid Judgments, Decrees, and Orders, as to either of them ſhall ſeem fit and convenient.

—and may give redreſs to any Perſon grieved thereby,

X. And that if after any ſuch Certificate or Certificates made, any perſon or perſons ſhall find themſelves grieved with any of the ſaid Orders, Judgments, or Decrees, That then it ſhall and may be lawful to and for them, or any of them to complain in that behalf unto the ſaid Lord Chancellor or Lord Keeper, or to the Chancellor of the ſaid Dutchy of Lancaſter, according to their ſeveral Juriſdictions, for redreſs therein: and that upon ſuch complaint, the ſaid Lord Chancellor or Lord Keeper, or the ſaid Chancellor of the Dutchy, may, according to their ſaid ſeveral Juriſdictions, by ſuch courſe as to their wiſdoms ſhall ſeem meeteſt, the circumſtances of the caſe conſidered, proceed to the examination, hearing and [z] determining

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3 Cro. 40. 2 Vernon, p. 112.

[z] **Determining**] It was reſolved 2 *Car.* 1. that ſuch Determination once made, may not be *Re-examined* upon a Bill of Review, as is uſual in other Caſes in Chancery; but that here the Decree is *concluſive*, becauſe it takes its Authority by the Act of Parliament, which mentions but *one Examination*: and it is not like the Caſe, where the Chancellor makes a Decree by his *ordinary Authority*. But in the year 1643. it was reſolved by the Judges and King's Council, Aſſiſtants in the Houſe of Peers, that in ſuch Caſe the Party grieved may Petition the *King in Parliament*, and have his complaint Examined there; and ſo the Decree may be confirmed, altered, or annulled; and then be *final*: All which was actually done, in the foreſaid year, and purſuant to the foreſaid Reſolution, on occaſion of a Decree of the Lord Keeper *Coventry*, in the Caſe of *Eaſt-Ham* in *Eſſex*.

Law of Char. Uſes, p. 62.

In the caſe of *Saul* verſus *Wilſon*, it was mention'd, that there lies no Appeal to the Houſe of Lords from a Sentence by the Delegates, nor from a Decree on the Statute of *Charitable Uſes*, for they cannot have any Juriſdiction, becauſe theſe matters are grounded upon Acts of Parliament, and the Acts give them none.

2 Vernon, p. 112.

Regulations of Charitable Uſes.

thereof; and upon hearing thereof, ſhall and may annul, diminiſh, alter or enlarge the ſaid Orders, Judgments and Decrees of the ſaid Commiſſioners, or any four or more of them, as to either of them in their ſaid ſeveral Juriſdictions ſhall be thought to ſtand with equity and good conſcience, according to the true intent and meaning of the Donors and Founders thereof, and ſhall and may tax and award good Coſts of Suit by their diſcretions, againſt ſuch perſons as they ſhall find to complain unto them without juſt and ſufficient cauſe, of the Orders, Judgments and Decrees before mentioned.

—and annul or alter the Orders,

—and award Coſts.

CAP. VI.

Regulation of Briefs.

A.D. 1705.

4, 5 Annæ, Cap. 14.

An Act for the better Collecting Charity-Money on Briefs by Letters-Patents, and Preventing Abuſes in relation to ſuch Charities.

Regulation of Briefs.

WHereas many Inconveniencies do ariſe, and Frauds are committed in the Common Method of Collecting Charity-Money upon Briefs by Letters-Patents, to the great Trouble and Prejudice of the Objects of ſuch Charity, and to the great Diſcouragement of well-diſpoſed Perſons: For Remedy whereof, Be it Enacted by the Queens moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament Aſſembled, and by the Authority of the ſame, That from and after the Five and twentieth Day of March, which ſhall be in the Year of our Lord, One thouſand ſeven hundred and ſix, upon the iſſuing forth of Letters Patents for Collecting of Charity Money, commonly called Briefs, Copies thereof, to the Number required by the Petitioners for ſuch Briefs, or their Agents, and no more, ſhall be Printed by the Printer of Her Majeſty, Her Heirs or Succeſſors only, at the uſual Rates for Printing; and by ſuch Printer the whole Number of ſuch Copies ſhall be delivered to ſuch Perſon or Perſons only, as ſhall, by and with the Conſent of the Petitioners for ſuch Brief, or the major part of them, undertake the laying or diſpoſing ſuch Printed Copies, in order to the Collection of the Monies to be received thereon, or to ſome or one of them; who, or one or more of them, ſhall give a Receipt for the ſame, expreſſing the Number thereof in ſuch Receipt, which Receipt or an atteſted Copy thereof, ſuch Printer ſhall forthwith deliver to the Regiſter of the Court of Chancery to be Filed in the Regiſters Office; and thereupon the Perſon or Perſons ſo undertaking ſuch Collection, or ſome or one of them, ſhall cauſe all the ſaid Printed Copies to be Indorſed or Marked in ſome convenient part of ſuch Printed Copy, with the Name of one or more of the Truſtees or Commiſſioners named in ſuch Letters Patents, written with his or their own Hand, and the time of Signing the ſame, and alſo Cauſe the ſaid Printed Copies to be Stamped in the manner hereafter more particularly mentioned: And the ſaid whole Number being ſo Signed, ſhall be, with all Convenient ſpeed by the ſaid Undertaker or Undertakers, ſent and delivered to the reſpective Church-Wardens, and Chapel-wardens of the reſpective Churches and Chapels, and to the reſpective Teachers and Preachers of every Separate Congregation, and to any perſon who hath Taught or Preached in any Meeting of the People called Quakers, in the Counties and Places to be comprized in ſuch Letters-Patents; to be Read and Publiſhed, and the Charity thereon to be collected in the ſeveral Churches, Chapels or Places of Meeting, to which they belong who ſhall ſo receive the ſame; And that the ſaid Church-Wardens, Chapel-Wardens, Preachers, Teachers, and Quakers having Taught, as aforeſaid, immediately after ſuch Receipt, ſhall Indorſe the time of his or their receiving the ſame, and ſet his or their Names thereto; and the ſaid Church-Wardens and Chapel-Wardens ſhall forthwith deliver over the ſaid Printed Briefs by them received, to the ſeveral Miniſters and Curates of the ſaid Churches or Chapels, who ſhall receive the

Great Frauds being committed in collecting of Charity money, upon Briefs;

Enacted, that, —Copies of Letters Patents for Briefs, ſhall be printed by the Queens Printer, only,

—who ſhall deliver the whole number to the Perſon appointed by the Petitioner,

—and the receipt, to the Regiſter of Chancery.

The Collectors ſhall cauſe the printed Copies to be marked and ſtamped,

—and to be ſent to the reſpective Church-wardens, &c.

—who ſhall indorſe the time of receiving them, and deliver them to the Miniſter,

—and the Miniſter ſhall alſo indorſe the ſame, and ſet his name,

—and ſhall within 2 months read it on ſome Sunday,

—after which, the Church-wardens, &c. ſhall collect,

—and the Sum, with the place, and time, ſhall be indorſed, and ſigned by the Miniſter,

—and, with the Brief, be delivered to the Perſon diſperſing ſuch Briefs.

Any Miniſter, Church-warden, &c. offending herein ſhall forfeit 20 *l.*

The Perſon, undertaking to diſperſe the Briefs, ſhall demand them with the money, in ſix months after the placing,

—upon pain to forfeit 20 *l.*

ſame; And the ſaid reſpective Miniſters and Curates ſhall, on Receipt thereof, Indorſe the time they reſpectively received the ſame, and Set their reſpective Names thereto; And the ſaid reſpective Miniſters and Curates, Teachers, Preachers and Perſons called Quakers, qualified as aforeſaid, ſhall, on ſome Sunday, within Two Months after Receipt of ſuch copies, immediately before the Sermon, Preaching or Teaching ſhall begin, openly Read or cauſe to be Read ſuch Printed Briefs in their reſpective Churches, Chapels, and Places of Meeting, to the Congregation there Aſſembled; and the reſpective Church-Wardens, Chapel-Wardens, and the Teachers of every ſuch Separate Congregation, and ſuch Perſons called Quakers, to whom the Briefs ſhall have been ſo delivered, as aforeſaid, ſhall collect the Sums of Money, that ſhall be freely thereon given, either in the ſaid reſpective Aſſemblies, or by going from Houſe to Houſe of the Members of their reſpective Congregations, as the Briefs ſhall require in that behalf; And on every ſuch collection made, the Sum that ſhall be collected, with the Place where, and Time when the ſame was collected, ſhall be Indorſed, fairly Written in Words at length on ſuch reſpective Printed Briefs, and Signed by the Miniſter or Curate, and the Church-Wardens, in Churches and Chapels, and by the Teacher and Two Elders, or Two other ſubſtantial Perſons of every Separate Congregation; and that thereupon the ſaid reſpective Church-Wardens, and Chapel-Wardens, and the reſpective Teachers or Preachers, or other Perſons required to make the collection, as aforeſaid, on requeſt of ſuch Perſon or Perſons as ſhall Undertake to Place and Diſperſe the Briefs, as aforeſaid, or of any Perſon by them or any of them lawfully Authorized, ſhall deliver to ſuch Perſon or Perſons, making ſuch requeſt, the reſpective Printed Briefs ſo Indorſed, as aforeſaid, and the Monies thereon collected, taking a Receipt for the ſame, from the Perſon ſo receiving ſuch Monies, in ſome Book to be kept for that Purpoſe; on pain that every the ſaid Miniſters, Curates, Teachers, Preachers, Church-Wardens, Chapel-Wardens, and Quakers qualified and required, as aforeſaid, who ſhall refuſe or neglect to do any of the Matters or Things before reſpectively required of them, ſhall forfeit the Sum of Twenty Pounds, to be recovered and applied as herein after is directed. And the ſaid Perſon or Perſons who ſhall ſo undertake to Place, and Diſperſe the ſaid Briefs, as aforeſaid, ſhall, within Six Months next after the reſpective Placing or Delivering ſuch Copies in the reſpective Pariſhes, as aforeſaid, by themſelves, or ſome or one of them, or by ſome Perſon or Perſons by them, or the major part of them to be Appointed, as aforeſaid, Demand from the reſpective Church-Wardens and Chapel-Wardens of Churches and Chapels, and from the Preacher and Teacher of Separate Congregations, or from ſuch Teaching-Quaker, to whom the ſaid Printed Briefs ſhall have been reſpectively Delivered, as aforeſaid, the Printed Briefs ſo left with him or them reſpectively, and the Monies reſpectively by them Received thereon; and on Delivery and Payment made, ſhall give to them reſpectively, as aforeſaid, a Receipt for the ſame, on pain to Forfeit the Sum of Twenty Pounds, to be Recovered, and Diſpoſed of, as herein after is directed.

The Perſon diſperſing the Briefs, ſhall make Entry thereof in a Book,

—and the Briefs, returned ſhall be left with the Regiſter of Chancery.

The Undertaker ſhall forfeit 50 *l.* for every Brief, not returned, by his default.

Every Miniſter ſhall keep a Regiſter of monies Collected.

II. And to the intent a Speedy, Regular, and Satiſfactory Account may be Rendred, of the Sums of Money collected by Virtue of ſuch Briefs, Be it Enacted by the Authority aforeſaid, That the Perſon or Perſons ſo Undertaking to Place or Diſperſe the ſaid Printed Briefs, or the greater part of them, ſhall make, or cauſe to be made, a fair Entry in a Book for that purpoſe by them to be kept (to which all Perſons concerned may at all times reſort) of the Number of the Printed Briefs they ſo Received, and alſo when Signed and Sent away, and of what Pariſhes and Places, and the time of their Receiving the ſame back, and the Monies thereon collected; and the ſaid Printed Copies ſo Received back, ſhall be Depoſited and Left with the Regiſter of the Court of Chancery, with whom the Receipt given to the Printer for the ſame, as aforeſaid, was Regiſtred; to the End it may appear that the whole Number received of the ſaid Printer is duly returned, and that the ſame may be from Time to Time made Uſe of, as well by the Sufferers and their Agents as by the ſaid Undertakers and their Agents or Solicitors, in paſſing the Accounts in the Method herein after preſcribed; And if the whole Number of Printed Copies of ſuch Briefs ſo Received of the Printer, ſhall not be duly returned as hereby required, the Undertaker or Undertakers ſhall, for every Printed Copy, which ſhall be found wanting and not returned, as aforeſaid, by Default of them or their Agents, Forfeit the Sum of Fifty Pounds, to be Recovered and Applied as herein after mentioned; unleſs he or they ſhall make a ſufficient Proof, to the Satiſfaction of the Court of Chancery, of the ſaid Briefs ſo wanting, being loſt or deſtroyed by inevitable Accident, and of what Money was really and truly collected thereon, and fully Account for, and pay the ſame; And that in each Pariſh or Chapelry, and Separate Congregation, a Regiſter ſhall be kept by the Miniſter or Teacher there, or by ſome Teaching Quaker, of all Monies collected by Virtue of ſuch Briefs; therein alſo Inſerting the Occaſion of the Brief, and the time when the

the ſame was collected, to which all Perſons at all times may Reſort without Fee.

III. And for the better Endorſing what Money is Collected on the Back of the Printed Briefs, and for the more Regular Examination thereof, and for the Preventing the Counterfeiting Printed Copies of the Briefs, by which great Frauds have been put in Practice; Be it Enacted by the Authority aforeſaid, That on the Back of every Printed Copy of ſuch Brief, there ſhall be Printed the Form of Indorſement, with the neceſſary Blanks for Time, Place, and Sum of Money, to be filled up by the reſpective Perſons aforeſaid; And each Printed Copy of ſuch Brief, ſhall, before it be carried to the reſpective Pariſhes wherein the Collection is to be made, be Stamped or Marked with a proper Stamp to be made for that Purpoſe, and kept by the Regiſter of the Court of Chancery, who is to ſee that no greater Number of Printed Copies be Stampt or Marked therewith, than is in the Receipts given to the Printer, and left with the Regiſter, as aforeſaid, Specified and Declared; And if any Perſon or Perſons ſhall Forge or Counterfeit ſuch Stamp, ſuch Perſon being thereof Lawfully convicted, ſhall be Publickly ſet on the Pillory for the ſpace of One whole Hour.

On the back of every Brief, ſhall be printed the form of Indorſement, to be filled up,

—which brief ſhall alſo be ſtamped in Chancery;

—and any Perſon counterfeiting ſuch Stamp, ſhall be ſet on the Pillory.

IV. And be it further Enacted by the Authority aforeſaid, That the ſaid Undertaker or Undertakers, ſhall, within Two Months after the Monies reſpectively Received, and after due Notice thereof to the Sufferers (who are to be admitted to Controvert the ſame) Account before One of the Maſters of the Court of Chancery, to be for that purpoſe Appointed by the Lord Chancellor, Lord Keeper, or Commiſſioners for the Cuſtody of the Great Seal of England for the time being, for all the Monies by them Received on Account of ſuch Letters-Patents and Briefs, and ſhall produce before him an exact Account of the reſpective printed Briefs by them Delivered out, and Received back, and left with the Regiſter, as aforeſaid, and thereupon the ſaid Maſter ſhall proceed to make his Report of what ſhall be found Due on ſuch Account; And the ſaid Report being Confirmed by the ſaid Court of Chancery as uſual, ſhall be a Charge on the ſaid Undertaker or Undertakers, and ſhall be carried into Execution againſt him or them, as if Decreed in a Suit there depending; in taking which Account ſuch Maſter ſhall make all juſt Allowances to ſuch Undertakers, for their Trouble and Pains of Management, over and beſides the Charges to be Expended for the ſaid Letters-Patents and Copies thereof: And ſuch Maſter ſhall alſo have Power by the common Methods of the Court of Chancery, to Examine into all Frauds and ill Practices that ſhall be committed by the ſaid Undertakers or their Agents, or any others concerned for or under them in ſuch collection, and Report the ſame to the Court; which Report being confirmed by the ſaid Court, it ſhall be in the power of the Lord Chancellor, Lord Keeper, or Commiſſioners aforeſaid, for the time being, to impoſe ſuch Fine and Coſts of every ſuch Offendor, as the Nature of the Caſe ſhall require; Which ſaid Fine and all other Forfeitures incurred by the ſaid Undertakers or their Agents, ſhall be only for the Benefit of the Sufferers, for whoſe Benefit ſuch Briefs ſhall be Granted, and ſhall and may be Recovered by the Order of the ſaid Court of Chancery, founded on ſuch Report ſo confirmed, as aforeſaid, and carried into Execution, as the Decrees of that Court uſually are.

The Undertakers ſhall account before a Maſter in Chancery,

—whoſe report, being Confirmed, ſhall be a Charge on them,

—and he ſhall make all juſt allowances for their trouble,

—and ſhall examine into all Frauds,

—which ſhall be puniſhed by Fine, *&c.* for the benefit of the Sufferers;

V. Provided always, That where any Penalties are by this Act inflicted on any Perſon or Perſons, other than the Undertakers, their Agents, Deputies, Subſtitutes or Servants, ſuch Penalties ſhall be Recovered by Action of Debt, Bill, Plaint, or Information.

—but all penalties, other than on the Undertakers, ſhall be recovered by Action, *&c.*

VI. And whereas there hath been an evil Practice in Farming and Purchaſing for a Sum of Money, the Charity-Money, that ſhould or might be Collected on ſuch Briefs, to the very great Hindrance and Diſcouragement of Alms-giving on ſuch Occaſion: Be it therefore Enacted by the Authority aforeſaid, and it is hereby Declared, That all Farming and Purchaſing of ſuch Charity-Money is unlawful, and that from and after the aforeſaid Five and twentieth Day of March, if any Perſon or Perſons ſhall Purchaſe or Agree for any Charity-Money to be Collected on any Briefs or Letters-Patents, or by any Inſtrument of Covenant or Agreement, by way of Farming, ſhall or may pretend to appropriate ſuch Charity Money, or any part thereof, to his or their Uſe, contrary to the intent and meaning of ſuch Letters-Patents, by which ſuch Charity-Money ſhall be Collected, and contrary to the intent and meaning of this Act, ſuch Purchaſe and Inſtrument of Covenant and Agreement, ſhall be void, and each Perſon agreeing to Purchaſe the Benefit of ſuch Brief, ſhall Forfeit the Sum of Five hundred Pounds, to be applied for the Benefit of the Sufferers in ſuch Letters-Patents mentioned, and to be Recovered, as before laſt mentioned.

If any Perſon ſhall farm Briefs,

—the agreement ſhall be void,

—and each perſon forfeit 500 *l.*

A.D.1697.

9, 10 Will. III. Cap. 25.

In an Act, Entituled, *An Act for granting further Duties upon ſtampt Vellum,* &c.

Briefs exempted from the double Stamp.

LXIX. Provided always, that nothing in this Act contained, ſhall extend to charge any Letters-Patents for collecting charitable Benevolence, commonly called Briefs, with the Duty therein mentioned, or to make it neceſſary that ſuch Briefs ſhould be doubly ſtamped, any thing herein contained to the contrary in any wiſe notwithſtanding.

TIT.

TIT. XLIX.

BENEFIT of CLERGY, and PURGATION of CLERKS CONVICT.

THE CONTENTS.

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CAP. I.

Benefit of Clergy CONFIRMED, *and* ENLARGED.

A.D. 1261.
45 *H.* 3.

BONIFACIUS.

Poteſtas ſæcularis Clericum notum & honeſtum ſine delectu Perſonarum injuſte capiens, & contra requiſitionem Ordinariorum detinens, publicè denuncietur excommunicata, & loca ejus interdicta. Injuſti quoque eorum delatores & accuſatores pari pœnâ plectantur. Idem quoque fiat ei, qui ignotum prius, poſtquàm notificatus, & ab Ordinario requiſitus fuerit, detinuerit. Nec Clerici Eccleſiæ redditi ad Amerciamenta à ſæculari Judice indicta tenebuntur.

Benefit of Clergy confirmed, and enlarged.

Lyndw. Edit. Oxon. p. 92.
OBS.

Clerks ſhall not be unjuſtly ſeiſed, nor detained from the Ordinary,

—upon pain of Excommunication, and Interdict;

CONtingit aliquando, quòd [a] Clerici ſine delectu [b] Perſonarum, quanquam in facto non fuerint deprehenſi [c] nec convicti tanquam facinoroſi, vel ſuſpecti de crimine, ſeu delicto, vel injuria perſonali, capiuntur per potentiam Laicalem, & [d] in carcere detruduntur; nec redduntur Ordinariis eos requirentibus ſecundum [e] Canones [f] liberè judicandi. Et ſi Clerici, quibus crimina imponuntur, coram Judicibus ſœcularibus vocati, non comparuerint, foris banniuntur à Regno. Quia verò in hoc libertas Eccleſiaſtica confunditur, cum Clericus à Laico judicatur: Statuimus, quòd ſi Clerici, ſic capti, noti fuerint & honeſti; capientes ipſos, & etiam detinentes, & contra requiſitionem Ordinariorum reddere recuſantes, per [g] locorum Ordinarios publicè excommunicati nuncientur. Loca etiam in quibus detenti fuerint, & terræ capientium & detinentium,

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[a] Clerici] *Intellige, non ſolùm de exiſtentibus in* Ordinibus Sacris, *ſed etiam de habentibus primam Tonſuram.* Lyndw.

[b] Perſonarum] *Scil. non ponderando, quòd tales ſint Clerici, & Perſonæ Privilegiatæ, quæ per Laicos judicari vel diſtringi non debent.* Lyndw.

[c] Nec Convicti] *Supple, per ſuos Ordinarios: nam coràm Laico non poteſt dici Clericus eſſe convictus, ſaltem ut ex hoc condemnetur.* Lyndw.

[d] In Carcere] *Hoc etiam fieri non debet per Prælatum ipſius Clerici, ſi Clericus velit dare* Fidejuſſores *de parendo Juri; multo fortiùs, non poteſt fieri per Laicum.* Lyndw.

[e] Canones] *Extra. De Judiciis, c.* Cum non ab homine, *&c.* At ſi Clerici. Lyndw.

[f] Libere] i. e. *Sine Impedimento Fori Sæcularis.* Lyndw.

[g] Locorum Ordinarios] *Potes intelligere, ſive hujuſmodi Ordinarii ſint Epiſcopi, vel alii Prælati Inferiores, habentes Ordinariam Juriſdictionem in ipſo loco.* Lyndw.

Benefit of Clergy confirmed, and enlarged.

— and their Accuſers, alſo, ſhall be Excommunicate.

Clerks of leſs note, being ſeiſed, ſhall be demanded by the Ordinary,

— who, if they be amerced, ſhall not levy it;

— and ſo, in all Caſes which are meerly Spiritual.

ſupponantur Eccleſiaſtico Interdicto, donec Ordinariis eorum reddantur, & ſuper hujuſmodi exceſſu ſatisfecerint competenter. Illi autem qui eis taliter falſa crimina impoſuerint, ſeu malitioſè confinxerint commenta vel fraudes propter quæ capti fuerunt, & injuſtè detenti, Excommunicati ſimiliter nuncientur, cum ſint excommunicati auctoritate [b] Concilii Oxon. ipſo facto. Clerici verò vagi & ignoti capti ex cauſis aliquibus, & detenti, ſi in [i] poſſeſſione Clericatûs inventi fuerint, per locorum Ordinarios requirantur à Domino Rege, vel ab eo qui habet poteſtatem reddendi eoſdem, ut ipſos reſtituat per Eccleſiam liberè judicandos; & ſi denegentur, procedatur contra reſiſtentes & detentores per pœnas ſuperius recitatas. Quòd ſi Clerici Eccleſiæ redditi pro tranſgreſſione aliqua perſonali amerciati fuerint à Judice ſœculari, Prælati ad hujuſmodi Amerciamenta exſolvenda prædictos Clericos non compellant; cum à non ſuis Judicibus fuerint condemnati. Et ſi propter hoc Prælatos diſtringi aut attachiari contingat, ſe defendant contra hujuſmodi Attachiationes vel diſtrictiones per [k] remedia antedicta. Idem fiat, quotieſcunque fuerint Amerciati viri Eccleſiaſtici per Judicem ſœcularem, pro his, quæ ad forum Eccleſiaſticum merè pertinere noſcuntur.

[b] Concilii Oxon.] *Vide ſuprà, Conſt. Steph. in Tit.* xlvi. c. 5.

[i] Poſſeſſione Clericatûs] *Hæc poſſeſſio probatur ex delatione Habitûs Clericalis, viz. Tonſuræ, & Veſtis Clericalis.* Auctoritate, Lyndw.

[k] Remedia antedicta] *Scil. per Excommunicationem & Interdictum.* Lyndw.

BONIFACIUS.

A.D. 1261.
45 *H.* 3.

Punientes Clericos tonſuram gerentes, Cenſuræ Eccleſiaſticæ ſubjiciantur.

Lyndw. Edit. Oxon. p. 321. OBS.

Clerks ſhall not be Shaven to deprive them of the benefit of their Clergy.

SI aliqui Clerici per Laicalem poteſtatem capti fuerint, Tonſuram & [l] Clericatum habentes, ſi [m] tempore medio abraſi malitioſè fuerint & ſuſpenſi, aut alio modo puniti, abradentes vel ſuſpendentes, aut alio modo punientes eoſdem, & ad hoc conſilium vel auxilium impendentes, pœnis ſubjaceant [†] ſupradictis. Foris verò Bannientes hujuſmodi Clericos, ſimilibus pœnis percellantur.

[l] Clericatum] *i. e. Ordinem qui dicitur* Pſalmiſtatus, *vel aliàs* Prima Tonſura. Lyndw.

[m] Tempore medio] *Scil. dum ſunt in Cuſtodiâ Laicæ Poteſtatis.* Lyndw.

[†] Supradictis] *Interdicti, & Excommunicationis.*

52 Henr. III. Cap. 27.

A.D. 1267.

A Clerk bailed upon a Capital Offence, refuſeth to anſwer.

Sureties ſhall not be amerced, if Clerks refuſe to anſwer by reaſon of Privilege.

If a Clerk, for any Crime or Offence touching the Crown, be arreſted, and after, by the Kings commandment, let to bail, or replevied, ſo that they to whom he was let to bail, have him before our Juſtices: The ſureties from henceforth, nor they to whom he was let to bail, ſhall not be amerced (if they have his body before our Juſtices) [n] although he will not anſwer before them, by reaſon of a [o] Clerks priviledge, nor cannot by reaſon of his Ordinary.

2 Inſt. 150.

[n] **Although he will not anſwer**] The Miſchief before this Statute (ſaith my Lord *Coke*) was, that if a Man were bailed, or delivered by plevin, albeit he did appear, yet if he claimed the Benefit of his Clergy, the Perſons that bailed him, or his Pledges, were amercied, becauſe he *refuſed to anſwer* to the Felony.

Bract. l. 3. c. 9. f. 123, b.

[o] **Clerks Privilege**] This is deſcribed by *Bracton*, as follows: *Cùm Clericus cujuſcunque Ordinis vel Dignitatis, captus fuerit pro morte hominis, vel alio Crimine, & Impriſonatus, & de eo petatur* Curia Chriſtianitatis *ab Ordinario loci, ſicut Archiepiſcopo, vel Epiſcopo, vel eorum Officiali, vel aliis Literas prædictorum deferentibus; Impriſonatus ille* Statim *eis deliberetur, ſine* aliquâ Inquiſitione *indè faciendâ: non tamen ut omninò deliberetur, ut vagans ſit per Patriam, ſed ſalvò cuſtodiatur, vel in Priſonâ ipſius Epiſcopi vel ipſius Regis, ſi Ordinarius hoc voluerit, donec à Crimine ſibi impoſito ſe purgaverit competentèr; vel in purgatione defecerit, propter quod debeat Degradari. Et ideò, ut prædictum eſt, ſi petatur, erit Liberandus Curiæ Chriſtianitatis, quia non habebit Rex de eo Priſonam, quem Judicare non poteſt; nec Clericos Degradare, quia non poteſt eos ad Ordines promovere.*

3 Edw. I. Cap. 2.

A.D. 1275.

A Clerk convict of Felony delivered to the Ordinary, &c.

A Clerk taken for Felony, ſhall be delivered to the Ordinary.

It is provided alſo, that when a Clerk is [†] taken for guilty of Felony, and is demanded by the Ordinary, he ſhall be delivered to him according to the privilege of holy Church, [p] on ſuch peril as belongeth to it after the cuſtom aforetimes.

[†] **Taken for Guilty**] See, afterwards, the Commentary upon 25 *Edw.* 3. in this Chapter, at the Words, *ſhall be Convict.*

2 Inſt. 164.

[p] **On ſuch peril**] The Peril was (ſaith my Lord *Coke*) that if the Ordinary ſhould demand any Man for a Clerk, that was none, his Temporalties ſhould be ſeiſed; — but ſince the Statute 25 *E.* 3. c. 6. it hath been holden only *finable.*

Benefit of Clergy confirmed, and enlarged.

A.D.1315.

9 Edw. II. Cap. 16.

The priviledge of the Church being demanded by the Ordinary, ſhall not be denied to a Clerk that hath confeſſed Felony.

Temporal Judges refuſe to deliver to the Ordinaries, Clerks confeſſing Felony.

The Ordinary demanding the Privilege of the Church, ſhall not be denied.

ALſo, notwithſtanding that a Confeſſion made before him that is not lawful Judge thereof, is not ſufficient whereon Proceſs may be awarded or ſentence given; yet ſome Temporal Judges (though they have been inſtantly deſired thereto) do not deliver to their Ordinaries, according to the premiſſes, ſuch Clerks as confeſs before them their heinous offences, as theft, robbery, and murder, but *q* admit their accuſation, which commonly they call an appeal, albeit to this reſpect they be not of their Court, nor can be judged or condemned before them upon their own confeſſion, without breaking of the Church's priviledge. The Anſwer. The priviledge of the Church being demanded in due form by the Ordinary, ſhall not be denied unto the appealour as to a Clerk.

2 Inſt. 638.

q **Admit their Accuſation**] Notwithſtanding this, the Temporal Courts held and maintained, that a Clerk who *confeſſed* the Felony before a ſecular Judge, was bound by that Confeſſion; becauſe *after* it, he could not make his Purgation: And that, when the Clerk was delivered to the Ordinary without any Purgation to be made, he ought to have *degraded* him; but commonly, the way was, when the Offender was a Monk, to deliver him to his Abbot, to remain as a Priſoner in the Abby; or if he was Secular, to confine him perpetually to the Priſon of the Biſhop.

Ex Reſponſionibus Regiis.

Lyndw. Edit. Oxon. p. 268.

The Privilege of the Church ſhall not be denied the Ordinary, demanding a Clerk.

——Item *r* appellatori in * forma debita tanquam Clerico per Ordinarium petito, libertatis Eccleſiaſticæ beneficium non negetur.

r Appellatori] *Hic dicitur Appellator, ille qui fatendo Crimen commiſſum, alium accuſat de eodem Crimine.* Lynd.

* Forma debita] *viz. Ut Ordinarius, per ſe, vel per alium ſuo loco, coram Judice Seculari oſtendat ipſum eſſe Clericum, & ſic petat eum liberari per Eccleſiam judicandum.* Lyndw.

A.D.1344.

18 Edw. III.

Here beginneth the Statute for the Clergy, made at Weſtminſter the ſaid xviii. *yeere.*

In a Parliament, 18 *E.* 3,

EDward by the grace of God, &c. Greeting. Know ye, that at our Parliament holden at Weſtminſter, the Monday next after the utas of the holy Trinitie, the yeere of our Reigne of England the xviij. and of France the v. amongſt other things ſhewed, aſſented, and accorded in the ſaid Parliament, there were ſhewed aſſented and accorded theſe things underwritten.

—the Clergy, in conſideration of the dangers from *France,*

—granted to the King, a triennial Diſme;

—for which, he granted them divers immunities; particularly, as to their *perſons.*

FIrſt, whereas many things have beene attempted, by the partie our adverſary of France, againſt the truce late taken in Britaine, betwixt us and him, and how that he enforceth himſelfe, aſmuch as he may, to deſtroy us, and our Allies, Subjects, Lands, and Places, and the tongue of England: And thereupon we prayed the Prelates, great men, and the Commons, that they would give us ſuch counſell and aide, as ſhould need in ſo great neceſſitie: And the ſaid Prelats, great men, and commons, having thereof good deliberation and advice, and ſeeing openly the ſubvertion of the land of England, and of our great buſineſſe, which God defend, if ſpeedie remedie be not provided; have counſelled joyntly and ſeverally, and with great inſtance prayed us, that in aſſurance of the aide of God, and our good quarrel, we ſhould make us as ſtrong as we might, to paſſe the Sea, and by all the good meanes that we might at this time to finiſh our warres: And that for letters, words, nor faire promiſes, we ſhould, not let our paſſage, till we did ſee the effect of our Buſineſſe: And for this cauſe, the great men aforeſaid granted to paſſe, and to adventure themſelves with us: And the ſaid Prelates and procurators of the Clergy, have granted to us for the ſame cauſe, a Triennall Diſme, to be paied at certaine dayes, that is to ſay, of the Province of Canterburie, at the Feaſts of the purification of our Lady, and of Saint Barnabe the Apoſtle; And of the Province of Yorke, at the feaſts of Saint Luke, and the Nativity of Saint John Baptiſt: And wee for this cauſe, in maintenance of the eſtate of holy Church, and in eaſe of the ſaid Prelates, and all the Clergie of England, by aſſent of the great men, and of the Commons, do grant of our good grace the things underwritten; † that is to ſay, that no Archbiſhop ſhall be impeached before our Juſtices becauſe of cryme, unleſſe we eſpecially do command them, till another remedie be thereof ordained.

† Cap. 1.

A.D.1344.

18 Edw. III. Cap. 2.

Bigamy ſhall be tried by the Ordinary, and not by Inqueſt.

If a Clerk, holding him to his Clergy, will not anſwer; and it be ſuggeſted that he hath married two Wives, or a Widow, — the Bigamy ſhall be tried in the Spiritual Court.

ITEM, if any Clerk be arraigned before our Juſtices, at our ſuit, or at the ſuit of the party, and the Clerk holdeth him to his Clergy, alledging that he ought not before them thereupon anſwer; and if any man for us, or for the ſame party, will ſuggeſt, that he hath married two wives, or one widow, that upon the ſame the Juſtices ſhall not have the cogniſance or power to try the Bigamy by Inqueſt, or in other manner: but it ſhall be ſent to the ſpiritual Court, as hath been done in times paſt, in caſe of baſtardy; and till the certificate be made by the Ordinary, the party in whom the Bigamy is alleadged, by the words aforeſaid, or in other manner, ſhall abide in priſon, if he be not mainpernable. †

† The other Articles are inſerted under their proper heads.

A.D.1350.

25 Edw. III. (*St.* 3.) Cap. 4.

All Clerks convicted of Treaſon or Felony, ſhall be delivered to the Ordinary.

All manner of Clerks Convict ſhall enjoy the Priviledge of Holy Church, — except for Treaſons and Felonies, which concern the *King*.

ITEM, Whereas the ſaid Prelates have grievouſly complained, praying thereof remedie, of that, that aſwell the Secular Clerkes and Chapleines, as Monkes and other people of Religion, have been drawen and hanged by award of the Secular Juſtices, in prejudice of their Franchiſes, and in oppreſſion of the Juriſdiction of holy Church: It is accorded and granted by the ſaid King in his Parliament, that all maner Clerkes, aſwell *s* ſecular as religious, which *t* ſhall bee from henceforth convict before the ſecular Juſtices aforeſaid, for any maner Treaſons and Felonies touching other perſons then the King himſelfe, or his Royal majeſtie, ſhall from henceforth freely have and enjoy the Priviledge of holy Church, and ſhall be without any impeachment or delay delivered to the Ordinaries *u* demanding them.

Kel. 100, 104.

s **Secular as Religious**] It is ſaid, in the Report of *Liſle*'s Caſe, 8 *W*. 3. as follows; *That Laymen that could read, ever had the Privilege of Clergy, ſince* 25 E. 3. *doth appear without contradiction by our Books*; and that by Clerks *Secular* in this Statute, were underſtood all Perſons in the *Inferior Orders* (Oſtiaries, Readers, Acolytes, Subdeacons,) who at firſt were not intended to be Exempt from the Secular Arm by *Privilege of the Church*. But, whatever may be ſaid in *their* Books; it is certain that in all other Books, Clerks *Secular* and Clerks *Religious*, when oppoſed to each other, mean the *Secular Clergy* or Pariſh Prieſts, *&c.* and the *Regular* Clergy, ſuch as lived under certain *Rules* and *Orders*, in Houſes of Religion.

Hob. 289. Kel. 100.

t **Shall be—Convict**] At the firſt, (ſaith *Hobart*) Clergy might be pray'd either *before* or *after* Conviction; and it is ſaid in *Liſle*'s Caſe, that at the Common-Law, if the Party had not demanded his Clergy *before* Conviction, he had loſt it: But however theſe two Books differ, as to the ancient Common Law, they agree in deſcribing the *modern* Courſe: *But now of late times* (ſaith *Hobart*) *the* Common Law *runs another courſe, to deny Clergy until the Offender were Convicted*; and *Keling* in the Caſe of *Liſle* (immediately after he has laid down what the *Common-Law* was) adds, *Priſot, Chief Juſtice of the Common-Pleas in the time of* Hen. 6. *made an* Alteration, *and would direct the Party Indicted or Appealed to anſwer to the Felony, and* after Conviction, *upon his demand, allow him his Clergy*. Of which Courſe, and the Effects of it, *Hobart* adds, that it was taken by the Temporal Courts for two ends; one, to retain their Juriſdiction over the Clergy, which the Clergy laboured to diſannul, by challenging the Priſoner *at the firſt*; the other, to bring Forfeiture of Goods to the King, by the means of the Common Law, that the Offence ſhould not utterly paſs unpuniſhed with us, and yet the Life of the Offender be ſaved.

Hob. 289.

As to which Forfeitures, and the *reſtoring* of them after Purgation, there is the following Mention in the Regiſter.

Regiſtr. f. 68, b.

Rex, Vicecomiti, &c. *ſalutem. Cùm S. de B. perſona eccleſiæ de R. nuper de raptu I. uxoris* G. *& de aſportatione bonorum ſuorum, coram dilectis & fidelibus noſtris W. & ſociis ſuis juſticiariis ad placita coram nobis tenenda aſſignatis, rectatus fuerit & poſtmodum ad requiſitionem venerabilis patris A. loci illius ordinarii juxta privilegium eccleſiæ, per præfatos juſticiarios noſtros prout moris eſt eidem epiſcopo liberatus, ibidem innocentiam ſuam ſuper eodem crimine coram eodem ordinario vel epiſcopo legitimè purgaverit, ſicut idem epiſcopus per literas ſuas patentes nobis ſignificaverit: tibi præcipimus, quòd eidem S. terras, tenementa, bona, & catalla ſua, per te in manum noſtram occaſione præmiſſâ, capta, niſi fugam fecerit eâ occaſione, ſine dilatione reſtituas de gratia noſtra ſpeciali T.* &c.

Hob. 289.

u **Demanding them**] Tho' the Ordinary did not *Demand* him, the Clerk might pray his Privilege *himſelf*, or as it is before expreſſed (18 *E*. 3. c. 2.) might *hold him to his Clergy*. But the Writ for delivering of a Clerk out of Priſon, who ſhould be committed unduly by default of the Ordinary's Attendance and Requeſt, *ſuppoſes* the contrary (viz. the *neceſſity* of the Ordinary's requiring;) as will appear by the Tenor of the ſaid Writ,

Regiſtr. f.69. a.

Rex dilecto & fideli ſuo I. Salutem. Cùm, ut accepimus, N. clericus coram vobis & ſociis veſtris juſticiariiis noſtris ad gaolam noſtram de A. deliberandam aſſignatis, de quibuſdam latrociniis, unde rectatus fuit allocutus, tanquam clericus in hac parte convictus in defectu ordinarii loci illius, qui ad ipſum N. juxta privilegium clericale petendum & recipiendum præſens non fuit, gaolæ prædictæ ſub cuſtodia vic' noſtri Buk. quouſq; per hujuſmodi ordinarium juxta libertatem eccleſiaſticam requiſitus fuerit ſibi deliberari, in eadem ſalvò cuſtodiend' mancipatus fuiſſet: ac jam dilectus clericus noſter magiſter Simon de Iſlep. venerabilis patris H. Lincoln' epiſcopi loci illius diæceſani vicarius generalis, ipſo epiſcopo in remotis agente, nobis ſupplicaverit, ut ipſum N. juxta privilegium clericale ac eccleſiaſticam libertatem ſibi deliberari jubere velimus: nos jura & libertates eccleſiaſtica illæſa volentes in omnibus obſervari, vobis mandamus, quòd ſi prædictus N. tanquam clericus convictus in defectu ordinarii prædicti, præfato vic' per vos liberatus fuerit cuſtodiendus ut prædictum eſt, & ea occaſione & non alia in gaola detineatur, tunc ipſum N. præfato S. vel ejus in hac parte commiſſar', cùm per ipſum ſuper hoc fueritis requiſiti, ſine dilatione deliberari demandetis, prout ſecundùm privilegium & libertatem prædictam fore videritis faciendum. T. &c.

Benefit of Clergy confirmed, and enlarged.

A.D. 1350.

25 Edw. III. (*St.* 3) Cap. 5.

A Clerk ſhall be arraigned of all his offences at once.

ITEM, Although that Clerks arraigned of Felony before ſecular Juſtices, which challenged their Clergy, and were demanded by the Ordinary of the place, have been often before this time remanded to the Goal by the ſaid Juſtices, ſurmiſing to them, that other things be to be ſaid againſt them; nevertheleſs becauſe the Common Law is, That a Clerk in ſuch caſe ought not to be remanded to the Gaol, but ought to be preſently arraigned of all, or otherwiſe delivered to the Ordinary: it is accorded, that this point be kept by all manner of Juſtices and Judges ſecular throughout our Realm.

Clerks demanded by the Ordinary, ſhall not be remanded to Gaol, upon ſurmiſe of other things againſt them;
— but they ſhall be preſently arraigned of all, or delivered to the Ordinary.

A.D. 1575.

18 Eliz. Cap. 7.

In an Act, Entituled, *An Act — for the delivery of Clerks Convict without Purgation.*

—— V. Provided always, That all and every perſon and perſons, which ſhall hereafter be admitted to have the benefit of his or their Clergy, ſhall, notwithſtanding his or their admiſſion to the ſame, be put to anſwer to all other felonies, whereof he or they ſhall be hereafter indicted or appealed, and not being thereof before acquitted, convicted, attainted, or pardoned; and ſhall in ſuch manner and form be arraigned, tried, adjudged, and ſuffer ſuch execution for the ſame, as he or they ſhould have done, if, as clerk or clerks convict, they had been delivered to the Ordinary, and there had made his or their purgations: Any thing in this Act contained to the contrary notwithſtanding.

Perſons admitted to the Benefit of the Clergy, ſhall be put to anſwer to all other Felonies.

A.D. 1386.

10 Ric. II. Cap. 1.

In an Act, Entituled, *An Act for the good Governance of the Realm.*

OBS. ---- And if it happen (as God defend) that he ſo beare him afterward, that he be an other time attainted (as afore) of any of the ſaid defaults or miſpriſons, then the ſame perſon ſo convict or attainted, ſhall have at the ſecond time the penance of life and of member: Saving always the Dignity pontificall and priviledge of holy Church, and Clerical, in all things aforeſaid.

Saving, to the Privilege of Holy Church, and *Clerical*, in certain Caſes.

A.D. 1402.

4 Henr. 4. Cap. 2.

The words Inſidiatores viarum, &c. *ſhall not be put in any Indictments*, &c.

ITem, Our ſaid Lord the King having in remembrance the faithful hearts, and the inward affection that the Clergy of England hath born to him, and alſo the great charges which the ſame Clergy hath had and ſuſtained for his honour and profit, after the time of his coronation, and therefore willing to be a gracious Lord to them in their affairs, by the aſſent of the ſaid Lords, at the ſpecial ſuit and requeſt of the ſaid Commons, will and granteth, That the Statutes made the five and twentieth year of King Edward, Grandfather to our Lord the King that now is, touching the Clergy of England, be entirely holden and kept, and put in due execution.

The foregoing Statutes 25 *E.* 3. c. 4, 5. ſhall be entirely holden and kept;

II. And moreover, the ſame our Lord the King, conſidering that the words and terms (that is to ſay) † Inſidiatores viarum, & depopulatores agrorum, compriſed in the Petition delivered to him in this Parliameut by the Clergy of England, have not been commonly uſed in indictments, arraignments, appeals, nor in other impeachments, in the time of his ſaid Grandfather, nor in the time of his other Progenitors, and willing therefore to avoid ſuch novelties, for the great quiet and ſurety of his people; by the aſſent of the Lords and Commons of the ſame Parliament will and granteth, and hath ordained and eſtabliſhed, That the ſaid words and terms ſhall not be from henceforth uſed, nor put in indictments, arraignments, appeals, or any other impeachments: Nor that by force of any ſuch word or term, any Clerk religious or ſecular, nor any other of the Kings liege people, ſhall be from henceforth arraigned, appealed, impeached or grieved before any ſecular Judge: but our Lord the King doth will, that the Juſtices may take and receive before them indictments, arraignments, and appeals of felonies, containing in them the effect of the ſaid words and terms, if any perſon of ſuch felonies ſhall hereafter be indicted, arraigned, or appealed: and if percaſe it chance in time to come, any clerks religious or ſecular, ſhall be indicted, arraigned, or appealed, and their indictments, arraignments, or appeals do comprehend the effect of the ſaid words, Inſidiatores viarum, and depopulatores agrorum, or other words purporting the like effect; yet nevertheleſs ſuch Clerks ſhall have and enjoy

— and the terms, *Inſidiatores Viarum, & Depopulatores Agrorum*, ſhall not be uſed in Indictments;
— but the effect of the ſame words, may:
— notwithſtanding which, Clerks ſhall enjoy the priviledge of Holy Church, and be delivered to the Ordinaries.

Othob. ad Tutel. v. *Ut etiam.*

† Inſidiatores Viarum, &c.] Of theſe Heads, it is ſaid by *John de Athon*, as follows: *Ratio Exceptionis factæ de publico Latrone, & de nocturno Agrorum depopulatore, quòd non gaudeant Immunitate Eccleſiæ, eſt, quia de his duobus generibus Hominum præſumitur ſemper quòd* inſidioſè *fecerunt.*

the priviledge of holy Church, and ſhall be delivered to the Ordinaries them demanding, or their Deputies, without any impeachment, or any delay.

Benefit of Clergy confirmed, and enlarged.

A.D. 1623.

21 Jac. I. Cap. 6.

For Felony, where Clergy is allowed to the Man, the Woman ſhall be burned in the Hand.

The Benefit of Clergy, not being allowed to Women, Enacted, that, — a Woman being Convicted of Felony, &c. where a Man might have Clergy, ſhall be burnt in the hand, — and further puniſhed at the diſcretion of the Judge.

This Act ſhall continue till the next Parliament.

Whereas by the Laws of this Realm the benefit of Clergy is not allowed to Women convicted of Felony, by reaſon whereof many Women do ſuffer death for ſmall cauſes: Be it enacted by the authority of this preſent Parliament, That any woman being lawfully convicted by her confeſſion, or by the verdict of twelve men, of or for the felonious taking of any Money, Goods or Chattels, above the value of twelve pence, and under the value of ten ſhillings, or as acceſſary to ſuch Offence, the ſaid Offence being no Burglary nor Robbery in or near the Highway, nor the felonious taking of any Money, Goods or Chattels, from the perſon of any man or woman privily, without his or their knowledge, but only ſuch an Offence, as in the like caſe a man might have his Clergy; ſhall for the firſt offence be branded and marked in the hand, upon the brawn of the left thumbe with a hot burning Iron, having a Roman T. upon the ſaid Iron: the ſaid mark to be made by the Jaylor openly in the Court before the Judge: and alſo to be further puniſhed by Impriſonment, whipping, ſtocking, or ſending to the Houſe of Correction, in ſuch ſort, manner and form, and for ſo long time (not exceeding the ſpace of one whole year) as the Judge, Judges or Juſtices, before whom ſhe ſhall be ſo convicted, or which ſhall have authority in the cauſe, ſhall in their diſcretion think meet, according to the quality of the Offence, and then to be delivered out of Priſon for that Offence: Any Law, Cuſtome or Uſage to the contrary notwithſtanding: This Act to continue until the end of the firſt Seſſion of the next Parliament.

A.D. 1627.

3 Car. I. Cap. 4.

In an Act, Entituled, *An Act for Repeal and Continuance of divers Statutes.*

Continuation of the foregoing Act.

§. XXII. —— And alſo the ſeveral Acts hereafter mentioned, made in the ſaid one and twentieth year of the Reign of the late King James; That is to ſay, An Act entituled, An Act concerning Women convicted of ſmall Felonies; —— ſhall continue in force until † the end of the firſt Seſſion of the next Parliament.

† Of the Continuance ſince, See before, p. 1078.

A.D. 1691.

3, 4 Will. & Mar. Cap. 9.

In an Act, Entituled, *An Act to take away Clergy from ſome Offenders, and to bring others to puniſhment.*

Women ſhall not ſuffer death, for any offence, where Men have the benefit of their Clergy; — but ſhall be burnt in the hand.

VII. And whereas by the Laws of this Realm, Women convicted of Felony for Stealing of Goods and Chattels of the value of Ten ſhillings and upwards, and for other Felonies where a Man is to have the benefit of his Clergy, are to ſuffer Death: Be it therefore Enacted and Declared by the Authority aforeſaid, that where a Man being convicted of any Felony for which he may demand the benefit of his Clergy, if a Woman be convicted for the ſame, or like offence, upon her Prayer to have the benefit of this Statute, Judgment of Death ſhall not be given againſt her upon ſuch conviction, or execution awarded upon any Outlawry for ſuch offence, but ſhall ſuffer the ſame Puniſhment as a Man ſhould ſuffer, that has the benefit of his Clergy allowed him in the like caſe; That is to ſay, ſhall be Burnt in the hand by the Gaoler in open Court, and further be kept in Priſon for ſuch time as the Juſtices in their Diſcretion ſhall think fit, ſo as the ſame do not exceed One years Impriſonment.

CAP. II.

Benefit of Clergy RESTRAINED.

A.D. 1261. 45 *H.* 3.

BONIFACIUS.

Præcipiendum eſt privilegio Clericali gaudere volentibus, ut habitum, veſtitum, & tonſuram Clericalem ſuis locis deferant.

Benefit of Clergy reſtrained.

Lyndw. Edit. Oxon. p. 68.

OBS.

Bps. Archd. and Incumbents, ſhall denounce thrice a year,

— that none are to enjoy the Benefit of Clergy, but ſuch as duly uſe the Habit, Crown, and Tonſure.

ITem ſtatuimus, quòd Epiſcopi in ſuis Synodis, & aliis Convocationibus, & ſinguli Archidiaconi in ſuis Capitulis, & Capellani Eccleſiarum Parochialium in ſuis Eccleſiis, ter in anno denuncient omnibus, qui [w] Clericali privilegio gaudere voluerint, quòd habitum Clericalem, nec non coronam, & tonſuram patenter in locis debitis deferant competentem, & maximè coram ſuis Ordinariis, & in Eccleſiis, & in Congregationibus Clericorum.

[w] Clericali Privilegio] *Quod conſiſtit in multis; viz. quia non debent à Laicis judicari; Item, quòd Laicos ſuper rebus Eccleſiaſticis coram Judicibus Eccleſiaſticis poſſunt convenire; Item, quòd Laici, vel alii non ſui Judices, ipſos detinentes violenter, etiam abſque læſione, in Cuſtodiâ publicâ vel privatâ, ſunt Excommunicati.* Lyndw.

A.D. 1488.

4 Henr. VII. Cap. 13.

Clergy ſhall be allowed but once.

Priviledge of the Church, if always allowed, being a great encouragement to miſchief,

— Perſons, not within Holy Orders, ſhall have Clergy but once.

ITEM, Whereas upon truſt of the priviledge of the Church, divers perſons have been the more bold to commit murder, rape, robbery, theft, and all other miſchievous deeds, becauſe they have been continually admitted to the benefit of the Clergy, as oft as they did offend in any of the premiſſes: In avoiding of ſuch preſumptuous boldneſs, It is enacted, ordained, and ſtabliſhed by the authority of this preſent Parliament, that every perſon, not being within Orders, which once hath been admitted to the benefit of his Clergy, eftſoons arraigned of any ſuch offence, be not admitted to have the benefit or priviledge of the Clergy. And that every Perſon ſo convicted for murder, to be marked with an M. upon the brawn of the left thumb.

A.D. 1531.

23 Henr. VIII. Cap. 1.

In an Act, Entituled, *An Act concerning Convicts in Petit Treaſon*, &c.

No Perſon robbing Holy Places, ſhall have the benefit of Clergy.

III. Be it Enacted —— That no perſon nor perſons, which hereafter ſhall happen to be found guilty after the Laws of this Land — for robbing any Churches, Chapels, or other holy Places — ſhall from henceforth be admitted to the Benefit of his or their Clergy, but utterly to be excluded thereof, and ſuffer Death in ſuch manner and form as they ſhould have done, if they were no Clerks.

A.D. 1691.

3, 4 Will. & Mar. Cap. 9.

In an Act, Entituled, *An Act to take away Clergy from ſome Offenders*, &c.

If a Man, or Woman, who hath once had benefit of Clergy, be indicted afterwards in another County,

— the Clerk of the Crown, *&c.* ſhall make Certificate thereof to the Judges in that other County.

VII. And for as much as ſuch Men who have once had their Clergy, and ſuch Women who ſhall have once the benefit of this Statute, may happen to be indicted for an offence committed afterwards in ſome other county: Be it therefore Enacted that the clerk of the crown, clerk of the peace, or clerk of the Aſſizes where ſuch Man or Woman ſhall be convicted, ſhall, at the requeſt of the Proſecutor, or any other in their Majeſties behalf, certifie a Tranſcript, briefly and in few words, containing the effect and tenor of every indictment and conviction of ſuch Man or Woman, of his having the benefit of the clergy, or her having the benefit of this Statute, and Addition of every ſuch perſon or perſons, and the certainty of the Felony, and conviction, to the Judges and Juſtices in ſuch other county, where ſuch Man or Woman ſhall be indicted; which certificate being produced in court, ſhall be a ſufficient proof that ſuch Man hath before had the benefit of his clergy, and that ſuch Woman hath had the benefit of this Statute.

CAP. III.

Benefit of Clergy, in particular, to Perſons in HOLY ORDERS.

4 Henr. VII. Cap. 13.

A.D. 1488.

Clergy ſhall be allowed but once. A convict Perſon ſhall be marked with the Letters M. *or* T. *A Proviſion for them which be within Orders.*

Clergy ſhall not be allowed above once, to any but Perſons in Holy Orders,

Benefit of Clergy, in particular, to Perſons in Holy Orders.

ITEM, Whereas upon truſt of the privilege of the Church, divers perſons have been the more bold to commit murder, rape, robbery, theft, and all other miſchievous deeds, becauſe they have been continually admitted to the benefit of the Clergy as oft as they did offend in any of the premiſſes: In avoiding of ſuch preſumptuous boldneſs, It is enacted, ordained, and ſtabliſhed by the authority of this preſent Parliament, that every perſon, not being within Orders, which once hath been admitted to the benefit of his Clergy, eftſoons arraigned of any ſuch offence, be not admitted to have the benefit or privilege of the Clergy: And that every perſon ſo convicted for murder, to be marked with an M. upon the brawn of the left thumb. And if he be for any other Felony, the ſame perſon to be marked with a T. in the ſame place of the thumb, and thoſe marks to be made by the Jaylor openly in the Court before the Judge, before that ſuch Perſon be delivered to the Ordinary, Provided alway, if any perſon at the ſecond time of asking his Clergy, becauſe he is within Orders, hath not there ready his Letters of his Orders, or a Certificate of his Ordinary witneſſing the ſame; that then the Juſtices afore whom he is ſo arraigned, ſhall give him a day by their diſcretion to bring in his ſaid Letters or certificate: and if he fail, and bring not in at ſuch a day his ſaid Letters, nor certificate, then the ſame perſon to loſe the benefit of his clergy, as he ſhall do that is without Orders.

—who alſo ſhall produce Orders, or a Certificate, then, or within a certain Day.

12 Henr. VII. Cap. 7.

A.D. 1496.

In an Act, Entituled, *For Murder.*

None, murdering their Lord, *&c.* ſhall have Clergy, but Perſons in Holy Orders.

I.---- Alſo be it ordained by the ſaid authority, that if any lay perſon hereafter prepenſedly murder their Lord, Maſter, or Sovereign immediate, that they hereafter be not admitted to their Clergy, and after conviction or attainder of any ſuch perſon ſo hereafter offending, had after the courſe of the Law, that the ſame perſon be put in execution, as though he were no Clerk.

4 Henr. VIII. Cap. 2.

A.D. 1512.

In an Act, Entituled, *Puniſhment of Murders.*

No Murderer ſhall have Clergy, but Perſons in Holy Orders. Keilw. 181.

I.---- That ſuch perſons ſo offending, be not from henceforth admitted to his or their Clergy, (ſuch as been within * holy Orders onely except.)

* **Holy Orders**] This Act was made to endure to the next Parliament; during which ſpace (*viz.* 7 *H.* 8.) the Abbot of *Winchcomb* declar'd in a Sermon at *Paul's Croſs*, That the ſaid Act was againſt the Laws of God, and the Liberties of Holy Church; That all who were concern'd in making of it, had incurr'd the Cenſures of the Church: and altho' only the Greater Orders were excepted in the Act, yet, that all Clerks which had received Orders of *any* kind (greater or leſſer) were exempt from temporal Puniſhments for Criminal Cauſes before a temporal Judge; for that (as he added) *tam minores* (tho' not *included* in the Act,) *quàm majores Ordines, ſunt Sacri.* On the contrary, it was affirmed and maintained by Dr. *Standiſh*, before a great Aſſembly of Perſons Spiritual and Temporal, who were met on purpoſe to hear this matter debated, That the Convening of the Clergy before the Temporal Judge in Cauſes Criminal, was not contrary to the *Law of God*, nor *the Liberties of the Church.* For which Doctrine (among others) he was convened before the Court of Convocation, and there Articled againſt; but being protected by the King and the Temporalty, he was at length diſmiſſed: the Circumſtances of which Matter, and of the Proſecution of Dr. *Horſey*, Chancellor of *London*, for the Murder of *John Hunne*, which was accidentally mixt with it, may be read at large in *Keilway*'s Reports.

Keilw. à f. 180. ad f. 185.

Benefit of Clergy in particular, to Perſons in Holy Orders.

A.D.1531.

23 Henr. VIII. Cap. 1.

In an Act, Entituled, *An Act concerning Convicts in Petit-Treaſon; Murder*, &c.

III. --- Such as be within holy Orders, that is to ſay, of the Orders of Subdeacon, or above; onely except.

Exception to Perſons in Holy Orders, upon Convictions for Petit-Treaſon, *&c.*

IV. And be it further enacted by authority aforeſaid, That every ſuch perſon or perſons within ſuch Orders of Subdeacon or above, which at any time hereafter be found guilty of any petit treaſon, or of any murder or malice prepenſed, or of any of the Felonies above rehearſed, or of an acceſſary to petit treaſon, wilful murder, or to any other the felonies above ſpecified, and admitted to his or their Clergy, and delivered to the Ordinary for the ſame; ſhall not in any wiſe from henceforth be ſuffered to any purgation, nor be ſet at liberty, but remain and abide in perpetual Priſon under the keeping of the Ordinary, to whom he ſhall be commited, and his ſucceſſors, without any manner purgation during the natural life of every ſuch convict; except only ſuch perſon or perſons ſo being within ſuch holy Orders, and convict of, or for any of the offences aforeſaid, and delivered to the Ordinary for the ſame, do find two ſufficient ſureties by recogniſance before two of the Kings Juſtices of his Peace within the ſame Shire where the petit treaſon, murder, or Felony, whereof he was convicted, was committed and done, whereof one of them to be of the Quorum, that ſuch convict ſhall be of good abearing againſt the King our Sovereign Lord, his laws and ſubjects, every ſuch convict to be bound in the ſum of xl. li. and every his ſureties in xx. li. And that no ſurety be taken, unleſs ſuch as may diſpend in lands, tenements, or hereditaments yearly above all charges of eſtate of inheritance of charterhold, xxvi. s. viij. d. or elſe be worth xx. li. in moveable ſubſtance at the time of the taking of ſuch recogniſance. And that two Juſtices of Peace, whereof one to be of the Quorum, by authority aforeſaid, have power and authority to take ſuch recogniſance. And that the ſaid Juſtices, afore whom any ſuch recogniſance ſhall be taken, ſhall certifie the ſame into the Kings Bench within four moneths next after the taking thereof, upon pain to loſe and forfeit C. s. for every default thereof.

—but they ſhall not be admitted to Purgation,
—unleſs they find ſufficient Sureties for their good abearing;

—which Recogniſance ſhall be certified to the King's Bench;

V. Provided alway, That this Act extend not to give any benefit to any ſuch perſon or perſons, which after their confeſſion, or judgment given againſt them, of, or for felony, or murder, or after they be outlawed for any ſuch cauſe, be admitted to their Clergy, and delivered to the Ordinary for the ſame, but that they and every of them ſhall remain in the cuſtody of the Ordinaries without making purgation, upon ſuch peril, and in ſuch manner and form as it was uſed by the Common Law before the making of this preſent Act, this Act or any thing therein contained notwithſtanding.

—but no ſuch Recogniſance ſhall be allowed to a Clerk Convict, after Judgment given, or Outlawry.

VI. Provided always, and it is further enacted, That every Ordinary, to whoſe cuſtody any ſuch convict for any of the offences above rehearſed ſhall be committed, may at his liberty diſgrade every ſuch convict after the Laws of the Church, if he ſee cauſe ſo to do, and ſend the convict ſo diſgraded in ſure and ſafe keeping into the Kings Bench with a certificate under his ſeal teſtifying the ſaid diſgrading, upon the which the Juſtices of the Kings Bench, having afore them the Record, upon the which the ſaid perſon ſo diſgraded was firſt convict, ſhall give ſuch like judgment of death upon the ſame Record againſt every ſuch perſon ſo convict, and diſgraded, as the Juſtices afore whom he was convict might have done, if the ſaid perſon ſo diſgraded, at the time of his conviction afore them, had been no Clerk; his admiſſion to his Clergy, and committing to the Ordinary, ne any other thing, uſe, or cuſtome to the contrary hereof notwithſtanding. And that every ſuch judgment ſhall be executed accordingly. And that every Ordinary ſo ſending any ſuch convict diſgraded into the Kings Bench, ſhall be diſcharged againſt the King our Sovereign Lord, his heirs and ſucceſſors, of or for any further cuſtody or keeping of the convict: This Act to continue unto the laſt day of the next Parliament.

The Ordinary may diſgrade a Clerk Convict, and ſend him to the Juſtices of the Kings Bench.
—who may then give Judgment of Death, as if he had been no Clerk;

—and the Ordinary ſhall be diſcharg'd.

A.D.1534.

26 Henr. VIII. Cap. 12.

The Bill concerning Counties in Wales.

WHere the Parliament ſummoned and holden at London, the third day of November, in the one and twentieth year of the Reigne of our Sovereign Lord King Henry the Eighth, and from thence adjourned unto Weſtminſter in the County of Middleſex, and after divers Prorogations, there alſo holden the xv. day of January, the three and twentieth year of the Reign of our ſaid Sovereign Lord King Henry the Eighth;

Recital of Stat. 23 *H.* 8. taking away Clergy, for divers Offences,

II. It was enacted among other, That no perſon or perſons, which from thenceforth ſhould happen to be found guilty after the Laws of this Land, for any manner of petty treaſon, or for any wilful murther of malice prepenſed, or for robbing of any Churches, Chapels, or other holy places, or for robbing any perſon or perſons in their dwelling houſes, or dwelling place, the owner or dweller in the ſame houſe, his wife, his children, or ſervants, then being within, and put in fear and dread by the ſame, and for robbing of any perſon or perſons, in or near about the high ways, or for wilfull burning of any dwelling houſes, or barns wherein any grain of corns ſhould happen to be: nor any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining, or counſelling of, or to any ſuch petty treaſons, murthers, or felonies, ſhould from thenceforth be admitted to the benefit of his or their Clergy, but utterly be excluded thereof, and ſuffer death in ſuch manner and form, as they ſhould have done for any the cauſes or offences aboveſaid, if they were no Clerks (ſuch as be within holy

Benefit of Clergy in particular, to Perſons in Holy Orders.

—with an Exception to Perſons in Holy Orders;

—who yet ſhall not be admitted to Purgation,

—unleſs they find ſufficient Sureties, by recogniſance, before 2 Juſtices;

—who ſhall certify it into the Kings Bench.

Orders, that is to ſay, of the Orders of Subdeacon or above, only except.) And alſo it was then and there, by authority aforeſaid, further enacted, That every ſuch perſon and perſons within ſuch Orders of Subdeacon or above, which at any time from thenceforth ſhould be found guilty of any petty treaſon, or of any other murther of malice prepenſed, or of any of the felonies above rehearſed, or of any acceſſary to petty treaſon, wilfull murther, or to any other the felonies above ſpecified, and admitted to his or their Clergy, and delivered to the Ordinary for the ſame, ſhould not in any wiſe from thenceforth be ſuffered to any purgation, nor be ſet at liberty, but remain and abide in perpetual priſon, under the keeping of the Ordinary to whom he ſhould be committed, and his ſucceſſors, without any manner of purgation, during the natural life of every ſuch convict: except only ſuch perſon and perſons ſo being within ſuch holy Orders, and convict of, or for any of the offences aforeſaid, and delivered to the Ordinary for the ſame, do find two ſufficient ſureties by recogniſance, before two of the King's Juſtices of his Peace within the ſame Shire where the petty treaſon, murther or felony whereof he was convicted, was committed or done, whereof one of them to be of the Quorum, that ſuch convict ſhall be of good abearing againſt the King our Sovereign Lord, his Laws and Subjects, every ſuch convict to be bounden in the ſum of fourty pounds, and every his ſureties in twenty pounds, and that no ſurety be taken, unleſs ſuch as may diſpend in Lands, Tenements, or Hereditaments, yearly above all charges of Eſtate of Inheritance of Charter-hold, ſix and twenty ſhillings and eight pence, or elſe be worth twenty pounds in moveable ſubſtance, at the time of the taking of ſuch Recognizance. And that two Juſtices of the Peace, whereof one to be of the Quorum, by authority aforeſaid, have power and authority to take ſuch Recognizance. And that the ſaid Juſtices, afore whom any ſuch Recognizance ſhall be taken, ſhall certifie the ſame into the King's Bench, within four months next after the making thereof, upon pein to loſe and forfeit an hundred ſhillings for every default thereof.

Where there are no Juſtices of the Peace; Lords Marchers, *&c.* do arraign Clerks,

II. And foraſmuch as there be no Juſtices of Peace, ne of the Quorum, within Wales, nor in divers other Places, Cities, Honours, Lordſhips, and Manors within the King's Dominion, where a Lord Marcher, Steward, Lieutenant, Deputy, or other Officer of any ſuch Place, City, Honour, Lordſhip, or Manor, have authority or power, by cuſtome or otherwiſe, to arraign afore him or them any ſuch perſon or perſons, being within ſuch holy Orders of Subdeacon or above, for committing or doing any of the petty treaſons, murthers, felonies, or any other of the ſaid offences:

—and being Convict, deliver them to the Ordinary;

—with whom they remain during life, for want of Juſtices to take Recogniſance;

III. And if it happen the ſame perſon ſo being thereof arraigned, to be found guilty, for to admit him to his Clergy, if he pray the ſame before Judgment, and further to do and execute againſt any ſuch offendor, being ſo arraigned before them, in like manner and form as Juſtices of the Gaol-delivery within the Shire-ground have uſed to doe by virtue of the King's Commiſſion unto them directed: by reaſon whereof, every ſuch perſon or perſons, within ſuch Orders of Subdeacon or above, being convict of any of the ſaid petty treaſons, murthers, felonies, or any other the ſaid Offences, before any Lord Marcher, Steward, Lieutenant, Deputy, or other Officer within Wales, or within any other Place, City, Honour, Lordſhip, or Manor within the King's Dominions, where no Juſtices of Peace be, and thereupon committed unto the Ordinary as Clerk convict, ſhall there remain during the natural life of any ſuch convict; the ſaid former Act and Statute notwithſtanding: For that there be no Juſtices of the Peace, ne of the Quorum there, as the ſaid petty treaſon, murther, or felony, whereof he is ſo convicted, was committed and done, to take ſurety by Recognizance for the good abearing of every ſuch convict, in manner and form, as in the ſaid former Act is rehearſed.

Wherefore it is Enacted, that Perſons in Holy Orders, being arraigned and convict, where no Juſtices be, ſhall find recogniſance before 2 of the next Shire;

—which ſhall be as effectual as if taken in the ſame Shire.

IV. Be it therefore enacted by the King our ſovereign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That every ſuch perſon and perſons within ſuch Orders of Subdeacon or above, being convict of any petty treaſon, or of any murther of malice prepenſed, or of any the ſaid felonies above rehearſed, or of any acceſſary to petty treaſon, wilful murther, or of any other the ſaid felonies above ſpecified, before any Lord Marcher, Stewatd, Lieutenant, Deputy, or other Juſtice or Officer within Wales, or within any other Place, City, Town, Honour, Lordſhip, or Manor within the King's Dominion, where no Juſtices of the Peace and of the Quorum be, and thereupon the ſame convict admitted unto his Clergy; that the ſame perſon or perſons ſo being within ſuch holy Orders, and convict before any ſuch Lord Marcher, Steward, Lieutenant, Deputy, or other Juſtice or Officer in Wales, or within any ſuch Place, City, Town, Honour, Lordſhip, or Manor within any the Kings Dominion, where be no Juſtices of Peace, and of the Quorum, of or for any of the offences aforeſaid, and delivered unto the Ordinary as Clerk convict for the ſame, ſhall or may find two ſureties by recognizance for his good abearing before two of the King's Juſtices of the Peace, whereof one to be of the Quorum, in the Shire where the ſaid convict is or ſhall be kept in the Ordinaries priſon, if the ſame priſon be within the Shire-ground where Juſtices of the Peace and of the Quorum be, or elſe before two of the King's Juſtices of the Peace, whereof the one to be of the Quorum, in the next Shire adjoining unto the ſame priſon: and that the ſame two Juſtices of the Peace, whereof the one to be of the Quorum, to have power and authority to take ſuch Recognizance, and to certifie the ſame in like Manner and forme, and upon like pein as it ſhould or ought to have been done by virtue of the ſaid former Act, if the ſame petty treaſon, murther, felony, or other offence, of or for which any ſuch convict was or ſhall be ſo convict and admitted unto his Clergy, as is aforeſaid, had been committed and done within the Shire-ground, where Juſtices of the Peace and of the Quorum be.

Benefit of Clergy in particular, to Perſons in Holy Orders.

A.D.1351.

23 Henr. VIII. Cap. 11.

In an Act, Entituled, *An Act for Clerks Convict breaking Priſon.*

Perſons in Holy Orders ſhall have Clergy, tho' they break Priſon; —but if diſgraded by Ordinary, they may be condemned by the Juſtices, and ſhall ſuffer death.

II. Provided alway, That if any ſuch offender be within holy Orders, that is to ſay, of the orders of Subdeacon, Deacon, or Prieſthood, that then, after he is convict of the premiſſes, he ſhall be delivered to the Ordinary, there to remain without any purgation.

III. And it is enacted, That it ſhall be at the liberty of the Ordinary to diſgrade any ſuch offender, after he is found guilty, and delivered to him, as a Clerk convict, and ſend him before the King in his Bench, with letters witneſſing the ſaid diſgrading; and thereupon the Juſtices of the Kings bench, having the Record of his conviction, ſhall have power and authority to give judgment againſt every ſuch offender, being convict and diſgraded, that he ſhall ſuffer death, like as they might do in caſe the ſame offender had been a lay man, and arraigned and found guilty afore them of the ſaid offence; the delivering of ſuch offender afore to the Ordinary notwithſtanding.

A.D 1536.

28 Henr. VIII. Cap. 1.

In an Act, Entituled, *An Act that Abjurers in certain Caſes ſhall not have Clergy.*

Perſons in Holy Orders, ſhall be in the ſame condition, as to Clergy, with all others.

VII. And be it alſo enacted by authority aforeſaid, That ſuch as be within holy Orders, ſhall from henceforth ſtand and be under the ſame pains and dangers for the offences contained in any of the ſaid ſtatutes, and be uſed and ordered to all intents and purpoſes, as other perſons not being within holy Orders: Any proviſion or exception ſpecified in any of the ſaid Acts, or any other uſage or cuſtom of this Realm to the contrary thereof notwithſtanding. This Act to endure unto the laſt day of the † next Parliament.

† Made perpetual. See before, p. 11.

CAP. IV.

READING, *in order to Benefit of Clergy.*

A.D.1547.

1 Edw. VI. Cap. 12.

In an Act, Entituled, *An Act for the Repeal of certain Statutes concerning Treaſons and Felonies*, &c.

Reading, in order to Benefit of Clergy.

In all Caſes, where others have, or had, the privilege of Clergy,

§. XIV. And over that, be it enacted by the authority aforeſaid, That in all and every caſe and caſes, where any of the Kings Majeſties ſubjects ſhall and may upon his prayer, have the priviledge of Clergy, as a Clerk convict, that may make purgation; in all thoſe caſes, and every of them, and alſo in all and every caſe and caſes of felony, wherein the priviledge and benefit of Clergy is reſtrained, excepted, or taken away by this ſtatute or act (wilful murder, and poyſoning of malice prepenſed only excepted) the Lord and Lords of the Parliament, and Peer and Peers of the Realm having place and voice in Parliament, ſhall by vertue of this preſent act, of common grace, upon his or their requeſt or prayer, alledging that he is a Lord or Peer of this Realm, and claiming the benefit of this act, *x* though he cannot

—Lords of Parliament ſhall have the benefit of Clerks

Hob. 288.

x **Though he cannot read**] At the Common Law, *at firſt*, (ſaith *Hobart*) the Benefit of Clergy was not allowed, but to Clerks in Orders; but afterwards, (as appears from 4 *H.* 7. *c.* 13. which ſpeaks of it, as commonly allowed to others) it was extended to all that could *Read*; and therefore *Hobart* calls it, *A Refuge provided by Common Law, in favour of* Learning, *to ſave the life of an Offender* Literate, *in certain Caſes.* And *Kelying*, in the Caſe of *Liſle*, adds, That *in thoſe days when few were bred to Literature, but who were actually in Orders, or Educated for that end, the allowing Clergy to Laymen that could* read, *ſeemed very much in favour of the Clergy, in preſerving its Succeſſion, by exempting ſuch who were* capable *of receiving any Orders, when there was occaſion for their Service. Which favourable Conſtruction of the Statutes, in not* confining *the Benefit of Clergy to thoſe who were* actually in Orders, *but who were* capable *of them, received conſtant Approbation and Allowance.*

Kel. 101.

Conviſt, though they cannot read.

Reading, in order to Benefit of Clergy.

read, without any burning in the hand, loſs of inheritance, or corruption of his bloud, be adjudged, deemed, taken, and uſed for his firſt time only, to all intents, conſtructions, and purpoſes, as a Clerk convict, and ſhall be in caſe of a Clerk convict, which may make purgation without any further or other benefit or priviledge of Clergy, to any ſuch Lord or Peer, from thenceforth at any time after, for any cauſe to be allowed, adjudged, or admitted: any law, ſtatute, uſage, cuſtom, or any other thing to the contrary in any wiſe notwithſtanding.

5 Annæ, Cap. 6.

A.D. 1706.

In an Act, Entituled, *An Act for repealing a Clauſe in an Act, intituled, For the better apprehending &c. Felons, &c.*

The trying whether a Man can read as a Clerk, being of no uſe,

Enacted, that, —any Perſon convicted of Felony within the benefit of Clergy, ſhall have ſuch benefit, without being required to read.

IV. And foraſmuch as when any perſon convicted for any Felony within the benefit of Clergy, upon his Prayer to have the benefit thereof allowed to him, it hath been uſed to adminiſter a Book to him to try [y] whether he can read as a Clerk, which by experience is found to be of no uſe; Be it therefore enacted by the authority aforeſaid, That from and after the ſaid fourteenth day of February, if any perſon be convicted of any ſuch Felony, for which he ought to have had the benefit of his Clergy, if this Act had not been made, and ſhall pray to have the benefit of this Act, he ſhall not be required to read, but without any reading ſhall be allowed, taken, and reputed to be and puniſhed as a Clerk Convict, which ſhall be as effectual to all intents and purpoſes, and be as advantageous to him as if he had read as a Clerk; any thing in this Act or any other Law or Statute, to the contrary notwithſtanding.

Hob. 290. Kel. 100.

[y] Whether he can read] The Ordinary (ſaith *Hobart*) cannot defeat the Clerk of his Privilege; either directly, by refuſing to demand him: or indirectly, by anſwering the Court, that he reads not as a Clerk: for (ſo he adds) *if the Ordinary refuſe him where he is capable, he ſhall not die; and if the Ordinary requires, and ſays, he reads, where he is not capable, yet he ſhall die*; the Court itſelf being the *final* Judge in that matter, while the Cuſtom of *Reading* continued.

CAP. V.

PURGATION *of Clerks Convict.*

BONIFACIUS.

A.D. 1261. 45 *H.* 3.

De carceribus Epiſcoporum, & coercendis clericorum flagitiis.

Every Biſhop ſhall have one or two Priſons, to receive Clerks Convict, —in which they ſhall be detained, according to the proportions of Guilt.

Purgation of Clerks Convict.

Lyndw. Edit. Oxon. p. 321. OBS.

ITEM Statuimus, quod quilibet Epiſcopus habeat in ſuo Epiſcopatu unum vel duos Carceres, ad Clericos flagitioſos, [z] deprehenſos in crimine, vel [a] convictos juxta [b] Cenſuram Canonicam, detinendos. Et ſi Clericus aliquis adeò malitioſus & incorrigibilis fuerit & conſuetus ad flagitia committenda, pro quibus etiamſi Laicus eſſet ſecundùm leges Sæculi ultimum deberet pati ſupplicium, talis Clericus perpetuo carceri adjudicetur. In illis autem qui non ex voluntate, vel propoſito, ſed caſu fortuito, vel iracundia, aut fortè inſania commiſerint, antiqua Jura decernimus obſervari.

[z] Deprehenſos] *Sive per Judicem Eccleſiaſticum, ſive Sæcularem, in caſu quo poſſint capi per Laicos.* Lyndw.

[a] Convictos] *Etiam coram Judice Sæculari; licèt talis Convictio non ſufficiat.* Lyndw.

[b] Cenſuram Canonicam] *Nota, quod in hoc loco Cenſura non ſumitur, prout ſignificat Suſpenſionem, Excommunicationem, vel Interdictum, & ſic pœnam Spiritualem; ſed prout ſignificat pœnam temporalem, & idem eſt quod* Severitas Canonica. *Propriè tamen Cenſura Eccleſiaſtica eſt circa Spiritualem Pœnam; Severitas Eccleſiaſtica circa Temporalem Pœnam.* Lyndw.

Purgation of Clerks Convict.

A.D. 1261. 45 *H.* 3.

BONIFACIUS.

Nè Laica poteſtas clericorum bona retineat, poſtquam ſe purgaverint.

Lyndw. Edit. Oxon. p. 312. OBS.

STatuimus, *& infrá.* Ad hæc, ſi Clerici ſe Canonicè purgaverint ſuper ſibi impoſitis & objectis, & Laica poteſtas nihilominus bona occupet, vel occupata detineat, eorundem occupantes & detinentes bona hujuſmodi ad reſtituendum ea per Cenſuram Eccleſiaſticam compellantur.

The Goods of Clerks, who have performed their Purgation, may not be ſeiſed or detained by the Lay-power.

A.D. 1275.

3 Edw. I. Cap. 2.

A Clerk convict of Felony, delivered to the Ordinary, ſhall not depart without purgation.

IT is provided alſo, that when a Clerk is taken for guilty of Felony, and is demanded by the Ordinary, he ſhall be delivered to him according to the Privilege of holy Church, on ſuch peril as belongeth to it after the cuſtom aforetimes uſed. And the King admoniſheth the Prelates and enjoyneth them, upon the faith that they owe to him, and for the common profit and peace of the Realm, that they which be indicted of ſuch Offences by ſolemn Inqueſt of lawful men in the Kings Court, in no manner ſhall be delivered without due purgation, ſo that the King ſhall not need to provide any other remedy therein.

Clerk Convict, being demanded by the Ordinary, ſhall be delivered,

—but not let go without due purgation.

A.D. 1279. 7 *Edw.* 1.

JOHANNES PECCHAM.

Nè perfunctoriè ad purgationem admittantur clerici, pro convictis Eccleſiæ reſtituti.

Lyndw. Edit. Oxon. p. 313. OBS.

CLerici, pro ſuis criminibus detenti à *c* publicâ poteſtate, & tandem *d* pro Convictis Eccleſiæ *e* reſtituti, non faciliter liberentur, nec perfunctoriè pro eis Purgatio admittatur, ſed cum omni Juris Solennitate, & tam providâ maturitate, ut Oculos meritò offendere non debeat Regiæ Majeſtatis, ſeu quorumlibet *f* aliorum quos exagitat ſtudium æquitatis.

Clerks, delivered to the Ordinaries, ſhall not be admitted to too eaſy or ſpeedy Purgation:

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c Publicâ Poteſtate] *Scil. Judice Sæculari.* Lyndw.

d Pro Convictis] *Quantum Scil. pertinet ad Judicium Judicis Sæcularis: nam tales verè Convicti non ſunt habendi. Et loquitur, quando Judex Sæcularis remittit Clericum ad Judicem Eccleſiaſticum cum Actis, & Convictione habitâ coram eo; in quo caſu, Judex Eccleſiaſticus non tenetur talibus Actibus credere.* Lyndw.

e Reſtituti] *Supple, quia talis Judex Sæcularis, cùm non eſſent de Foro ſuo, non potuit eos Condemnare.* Lyndw.

f Aliorum] *Utputà Judicum, & talium, qui poſiti ſunt ad Juſtitiam regni exequendam.* Lyndw.

A.D. 1350.

25 Edw. III. (*St.* 3.) Cap. 4.

In an Act, Entituled, *All Clerks convicted of Felony or Treaſon, ſhall be delivered to their Ordinaries.*

---And for this grant the ſaid Archbiſhop promiſeth to our Lord the King, that upon the puniſhment and ſafe keeping of ſuch Clerks offenders, which ſo ſhall be delivered to the Ordinaries, he ſhall thereof make a convenient Ordinance, whereby they ſhall be ſafely kept and duly puniſhed, ſo that no Clerk ſhall take courage to offend for default of correction.

—but Biſhops ſhall be bound by an Ordinance to be made, to keep them ſafe, and puniſh them duly.

A.D. 1402.

4 Henr. IV. Cap. 3.

An Act touching Clerks Convict.

ITEM, By the ſame aſſent our ſayd Sovereigne Lord the King will and granteth, and hath ordeined and eſtabliſhed: That all the Statutes, Ordinances and Graunts made and graunted by his noble Progenitors or predeceſſors Kings of England, to the Clergie of England, for the conſervation of their liberties and priviledges, and for the conſervation of the liberties and immunities of holy Church, not revoked, bee firmely holden, obſerved and kept, and put in due execution according to their forme and effect. And thereupon the Archbiſhop of Canterburie for himſelfe, and for all other Biſhops of his Province, hath promiſed to our ſayd Sovereigne Lord the King, that if from henceforth any Clerke ſecular or religious, that is convict of treaſon that toucheth not the King himſelfe nor his royall Majeſtie, or that he bee a common theefe, and for ſuch notoriouſly holden and reputed, and for the ſame cauſe percaſe as Clerke convict bee from henceforth delivered to any Ordinary: that the ſame Ordinarie ſhall keepe him ſafely and ſurely, and according to the effect of a conſtitution provincial to bee made by the ſaid Archbiſhop and other Biſhops upon the content, forme and effect of the letters of Simon late Archbiſhop of Canterburie, bearing date the xii. Kalends of March, MCCC. li. ordeining and putting in the

Upon the Confirmation of the Liberties and Immunities of the Clergy,

—the Archbiſhop and Biſhops promiſe, that a Clerk who is convict of Treaſon, or is a common thief, ſhall make no Purgation;

ſame

— to which effect, a Conſtitution ſhall be made and ſhewed to the King.

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ſame conſtitution certain paines by them to be limited by their diſcretion. And that no ſuch Clerke convict of ſuch Treaſon, or that he be a common theefe as afore is ſayd, after hee bee delivered, ſhall make no purgation againſt the purport of the ſaid conſtitution; which conſtitution ſhall bee ſhewed to our ſayd Soveraigne Lord the King, before the next Parliament, to the intent that if it ſeemeth to his high diſcretion, that the ſaid Conſtitution ſhall not be a convenient remedie in this caſe, that then it may be treated and provided of other remedie by the manner as pertaineth.

22 Hen. VIII. Cap. 15.

A.D. 1530.

In an Act, Entituled, *An Act concerning the King's general Pardon for his Spiritual Subjects.*

The General Pardon ſhall not diſcharge Clerks out of the Ordinaries Priſon, without Purgation.

Provided alſo that this Act of Free Pardon ſhall not extende nor be in any wiſe beneficial to any Clerke or other perſon of the ſaid Clergie or Spiritualtie, being the ſaid tenth day of March in the cuſtodie of the ſaid Archbiſhop, or of any other Ordinarie of the ſaid province, as a perſon attainted or convicted by the Laws of this Realme, of any murder, felonie, or other crime or offence, for, or concerning deliverance out of the ſaid convicts priſon, till that he ſhall have made his purgation according to the Laws or cuſtomes uſed in that behalfe, or that he be thereof diſcharged by the Kings Pardon or other lawful meane.

26 Henr. VIII. Cap. 18.

A.D. 1534.

In an Act, Entituled, *An Act concerning the King's general and free Pardon granted by his Highneſs.*

Clerks Convict in cuſtody of Ordinary, excepted out of General Pardon.

---- Alſo excepted and forpriſed out of the ſaid free pardon, all and ſingular convictions and attaindors of any perſon and perſons, now being or remaining in any convict priſon, or in the cuſtody of any Biſhop, Abbat, or other ſpirituall Perſon or Ordinary, and every of the ſame perſons ſo Attainted or convicted.

23 Henr. VIII. Cap. 1.

A.D. 1531.

An Act concerning Convicts in Petit Treaſon, Murther, &c.

King *Edw.* 1. moved the Prelates in Parliament, that Clerks Convict might not be delivered without due Purgation:

Where at a Parliament holden at Weſtminſter, in the third year of King Edward the firſt, the ſame King moved the Prelates of the Realm, and them enjoined upon their faith that they owed to him, that in no wiſe they ſhould deliver thoſe Clerks which were indicted for felony, without due purgation, ſo that the ſaid King ſhould have no need to put other remedy in that behalf; And that notwithſtanding, after that monition, divers and many Clerks convict were accuſtomably delivered and ſuffered to make their purgation, to the great courage of evil doers:

— and King *H.* 4. intending to provide Remedy herein,

— was diverted by a promiſe of the Archbiſhops and Biſhops, to make a conſtitution,

— (That none Guilty of petty-treaſon, or Thieves, ſhould make their Purgation,)

— which was never done;

— and the practice of haſtily delivering Thieves and Murtherers, continues,

II. By occaſion whereof, afterward at another Parliament holden at Weſtminſter in the fourth year of King Henry the fourth, upon the complaint of the Commons, the ſame King Henry the fourth then advertiſed the Prelates of the Realm of the Premiſſes, intending then to have provided remedy by authority of the ſaid Parliament, as appertained to his Prerogative Royal, for the conſervation of the peace of the Crown: At which time the Archbiſhop of Canterbury, for himſelf and all other Biſhops of his Province, then openly promiſed to the ſame King Henry the fourth, that if any perſon from thenceforth were convict of any treaſon, which touched not the King nor his Royal Majeſty, and ſuch as were notoriouſly known and reputed for Thieves, and for ſuch cauſe delivered to any Ordinary as a Clerk convict, that the Ordinary to whom ſuch perſon or perſons were delivered, ſhould ſafely keep them after the effect of a conſtitution provincial to be made by the ſaid Archbiſhop and Biſhops after the effect of the Letters of Simon then afore that time Archbiſhop of Canterbury, bearing date the xij Calends of March, the year of our Lord God, M. CCC. L. and that no ſuch traitor nor felon ſhould make his purgation againſt the ſaid conſtitution; which conſtitution the ſaid Archbiſhop then promiſed to deliver to the ſame King before his next Parliament, to the intent that if it ſhould ſeem to the ſame King that the ſame conſtitution were not ſufficient remedy for the Premiſſes, that then the ſaid King might provide ſuch remedy as ſhould appertain in that behalf; Sithen which time the ſame conſtitution was never notified ne ſhewed by the Prelates of this Realm, but continually ſithen that time, manifeſt Thieves and Murtherers indicted, and found guilty of their miſdeeds by good and ſubſtantial Inqueſts, upon plain and proveable evidence before the Kings Juſtices, and afterwards by the uſages of the common Laws of the Land delivered to the Ordinaries as Clerks convict, be ſpeedily and haſtily delivered and ſet at large by the miniſters of the ſaid Ordinaries for corruption and lucre; or elſe becauſe the Ordinaries enclaiming ſuch offenders by the liberties of the Church, will in no wiſe take the charges in ſafe keeping of them, but little regarding the trial and conviction of the ſaid offenders by the due and plain courſe of the common Laws of the Land, do ſuffer them to make their purgations by ſuch as nothing know of their miſdeeds; and by ſuch fraud, adnul and make void all the good and proveable trial that is uſed againſt ſuch offenders by the Kings Laws, to the great ſlander of ſuch as purſue ſuch miſdoers,

and

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and to the pernicious example, increaſe, and courage of ſuch offenders, if the Kings Highneſs by his Authority Royal put not ſpeedy remedy to the Premiſſes, as appertaineth;

III. Be it therefore enacted by the King our ſovereign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that no perſon nor perſons which hereafter ſhall happen to be found guilty after the Laws of this Land for any manner of petit treaſon, or for any wilful murther of malice prepenſed, or for robbing of any Churches, Chapels, or other holy Places, or for robbing of any perſon or perſons, in their dwelling houſes or dwelling place, the owner or dweller in the ſame houſe, his wife, his children or ſervants then being within, and put in fear and dread by the ſame, or for robbing of any perſon or perſons in or about the high-ways, or for wilful burning of any dwelling houſes or barns, wherein any grain of corns ſhall happen to be, nor any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining or counſelling of or to any ſuch petit treaſons, murthers or felonies, ſhall from henceforth be admitted to the benefit of his or their Clergy, but utterly to be excluded thereof, and ſuffer death in ſuch manner and form as they ſhould have done for any the cauſes or offences aboveſaid, if they were no Clerks; ſuch as be within holy Orders, that is to ſay, of the Orders of Subdeacon, or above, only except.

—to the encouragement of ſuch Offenders.
Enacted, that,
—No Perſon convicted of
—petit treaſon,
—wilful murther,
—robbing of Churches,
—robbing houſes, the owners being within,
—robbing on the High-way,
—burning houſes or barns, ſhall be admitted to the Benefit of Clergy.

A.D.1548.

2, 3 Edw. VI. Cap. 39. — 3, 4 Edw. VI.

In the Acts of General Pardon.

And the King our Sovereign Lord is contented and pleaſed to grant by authoritie aforeſaid; That it ſhall be lawful to all and ſingular Archbiſhops and Biſhops of this Realme of England, and Wales, to deliver out of priſon, and ſet at libertie all and ſingular thoſe perſons being in priſon in their cuſtody, or in the cuſtody of any of them, as Clearks convict or convicted, which be pardoned by this Act of free pardon, without any further Act, or ſute to be made for allowance of this pardon or otherwiſe: any Act of Parliament, law, uſage, cuſtome, or other thing to the contrary in any wiſe notwithſtanding.

Clerks convict ſhall be diſcharged, upon the general Pardon, without other Suit.

A.D.1542.

34, 35 Henr. VIII. Cap. 14.

An Act for a Certificate of Convicts to be made into the Kings Bench.

WHere, before this time divers perſons have been Indicted, Arraigned, and Attainted, and ſome of them Clerks convict, and ſome of them Clerks attainted, and ſome of them Outlawed for Murder, Burglary, Robbery, and other Felonies, before Juſtices of the Peace, Juſtices of Gaol-delivery, and Juſtices of Oyer and Determiner, within divers Cities, Counties, Franchiſes and Liberties within this Realm, The Records of all which Attainders, Outlawries and Convictions often and many times by negligence of the Clerk of the Crown, Clerks of Peace, Clerks of Aſſiſe, and ſuch other as have had the order, rule, keeping and governance of the ſame Records, have been imbeſilled, and not ready to be objected againſt ſuch perſons as have been newly arraigned before our Sovereign Lord the King in his Bench, or before other the Kings Juſtices, for like, and ſuch other offences by them committed or done: And for that it hath not been known certainly whither to reſort for the ſame Records, becauſe they were not certified into any place certain: By reaſon whereof ſometime ſuch perſons and like offenders which have been newly arraigned, as is beforeſaid, have had the benefit of his or their Clergy where they ought not, ne ſhould have had the ſame, if the ſaid Records had then been preſent in the ſame place where ſuch perſon or perſons were ſo newly arraigned, or elſe certified into ſome other place certain, where the ſame Records might have been ſeen, ſent for, or written for, to have been objected againſt ſuch perſon or perſons ſo newly arraigned; Whereby as well the King our Sovereign Lord, as alſo all other perſons, have many times loſt their Eſcheats, and other advantages and forfeitures that they ſhould have had by mean of the ſaid Attainders, to the great loſſes, both of our ſaid Sovereign Lord the King and other perſons, and alſo the ſame offenders have had their Clergy where they ought not ſo to have had, to the great Boldneſs and encouraging of like offenders;

Records of Convictions before the Juſtices of Peace and Aſſiſe, being ſometimes imbezelled,

—by which means, ſeveral perſons arraigned again, have the benefit of their Clergy, where they ought not;

II. In conſideration whereof, be it enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the Clerk of the Crown, Clerks of the Peace, and Clerks of Aſſiſe for the time being, where any ſuch Attainder, Outlawry or Conviction ſhall ſo be had, ſhall, from the Feaſt of Pentecoſt next coming, not only certifie a Tranſcript briefly and in few words, containing the tenor and effect of every ſuch Endictment, Outlawry or Conviction, and Clerk attainted before them ſo to be had. made or pronounced, that is to ſay, the name, ſirname, and addition of every ſuch perſon or perſons as ſhall be ſo indicted, and thereupon Outlawed, Convicted or Clerk attainted, and the certainty of the ſaid Felony, or other offence whereupon he or they ſhall be ſo Outlawed, Convicted or Clerk Attainted, and the day and place of his Outlawry, Conviction and Attainder, and the day and place where and when the ſaid Felony or other offence whereupon the ſaid perſon or perſons ſhall be ſo Indicted, Outlawed, Convicted, or Clerk Attainted, ſhall be made and done before the King our Sovereign Lord, in his Bench at Weſtminſter, in the County of Middleſex, there to remaine of Record for ever, amongſt other the Kings Records there, within fourty days next after any ſuch Attainder, Conviction, or Outlawry ſhall be had, made or pronounced, if the Term be then, and if not, then within twenty days next after the beginning of the Term next following the ſaid fourty days: But alſo ſhall deliver a Tranſcript of every ſuch Endictment whereupon the ſaid perſon and per-

Enacted, that,
—The Clerks of the Crown, Peace, and Aſſiſe, ſhall certify all Convictions of Clerks into the Kings Bench.

— and deliver a tranſcript of the indictment, to the Ordinary, to whom the body is committed,

ſons ſhall fortune hereafter ſo to be convicted, or Clerks Attainted, to the Ordinary to whom the Body of the ſaid perſon or perſons ſhall be committed: The ſaid Ordinary paying to every ſuch Clerk as ſhall write the ſaid Tranſcript, for every copy of ſuch Endictment, twelve pence for his pains: upon pain that every Clerk of the Crown, Clerk of the Peace, and Clerk of Aſſize for the time being, before whom ſuch Endictment, Attainder, Outlawry or Conviction ſhall be ſo had, made, pronounced, or remain, for the non-certifying of every ſuch Record, and not delivering of the Copy of ſuch Endictments to the ſaid Ordinaries, according to this Eſtatute, to loſe and forfeit fourty ſhillings, the one Moiety thereof to be to the King our Sovereign Lord, and the other Moiety to him that will ſue for the ſame by Action of Debt, Bill, Information, or otherwiſe, in any of the Kings Courts of Record, wherein no wager of Law, Eſſoin or Protection ſhall be allowed: And the Clerks of the Crown in the Kings Bench, ſhall receive the ſaid Certificates and Tranſcripts at ſuch time as they ſhall be tendred and proffered unto them by the ſaid Clerks of the Crown, Clerks of the Peace, and Clerks of Aſſiſe, or by their Deputy or Deputies, without taking any thing for the ſame, upon pain of forfeiture of the ſum of fourty ſhillings for every ſuch Certificate by him refuſed.

— upon pain to forfeit for either neglect, 40 s.

Other Perſons, only happening to be in the ſame indictment, ſhall not be certified.

III. Provided always, and be it further enacted by the authority aforeſaid, That if there be any more perſons contained, and named in any ſuch Endictment, other then ſuch perſon ſo Attainted, Convicted or Outlawed, that then ſuch Clerk of the Crown, Clerk of Aſſiſe, Clerk of Peace, with whom the Record of ſuch Attainder, Outlawry or Conviction ſhall remain, ſhall, within the time before in this Act limited, certifie the Tranſcript of ſuch Endictment, Outlawry or Conviction, only concerning ſuch perſon or perſons ſo Indicted, Attainted, Outlawed or Convicted, into the Kings Bench at Weſtminſter, as is aforeſaid; which Tranſcript ſo certified, ſhall be had and taken as good, effectual and available in Law, to all intents, conſtructions and purpoſes, againſt ſuch perſon and perſons againſt whom it ſhall be ſo objected, alledged or pleaded, as if the very Record thereof whereupon he or they ſo were Indicted, were there preſent.

The Clerk of the Crown ſhall at all times, certify the names of the ſaid Perſons when written to,

— upon pain to forfeit 40 s.

IV. And be it enacted by the authority aforeſaid, That the Clerk of the Crown in the Kings Bench for the time being, ſhall at all ſuch times as the Juſtices of the Gaol-delivery, or Juſtices of Peace in every County within this Realm of England, do write unto him for the names of ſuch perſons which be ſo Attainted by Outlawry, or Clerks Attainted or Convict, and certified in the ſaid Bench of our ſaid Sovereign Lord the King, ſhall incontinently without delay certifie the ſaid names and ſirnames of the ſaid perſons, with the cauſes why and wherefore they were Convict or Attainted, unto the Juſtices of Gaol-delivery, or Juſtices of Peace, upon the pain and penalty to forfeit for every name of ſuch perſons which ſhall be ſo written for, and not certified by the ſaid Clerk of the Crown in the Kings Bench, to the ſaid Juſtices, xl. s.

Clerks in *Wales*, *Cheſhire*, *Lancaſhire*, and *Durham*, ſhall not certify.

V. Provided always, and be it further enacted, That this Act, nor any thing therein contained, ſhall not extend to the Clerks of the Crown, Clerks of the Peace, Clerks of Gaol-delivery, neither to any of the Prenotaries within the Counties of Wales and Cheſter, or within the Counties Palatines of Lancaſter and Dureſme, or any of them, to make any tranſcript of any ſuch attainder, conviction or outlawry of any perſon or perſons convicted, attainted, or outlawed before the Kings Juſtices of his Counties of Wales or Cheſter, or County of Lancaſter, Dureſme, or any of them; but that the ſame Records ſhall and may remain and be in the cuſtody and keeping of the ſaid Clerks and Prenotaries, in ſuch manner and wiſe as they are at this Day; This Act or any thing therein contained to the contrary notwithſtanding.

8 Eliz. Cap. 4.

A.D. 1566.

In an Act, Entituled, *An Act to take away the benefit of Clergy from certain Offenders for Felony.*

Perſons having committed one Murder or Felony without benefit of Clergy, fly; and afterwards commit another, and have their Clergy;

— and, becauſe then they cannot be impeached for the firſt,

III. And alſo, whereas divers perſons do oft times commit, and do divers and ſundry deteſtable Murders, hainous Robberies and Felonies, and other capital Offences, for the which Clergy is not allowable by the Laws and Statutes of this Realm; and after the ſame Offences ſo done, either fly out of the County, or other parts of this Realm, into the Parts beyond the Seas, or keep themſelves ſecret in other places where they are not known, for a great time, and after happen to commit ſome other Felony, for the which they may have their Clergy, and being arraigned for the ſame, have their Clergy to them allowed, and thereupon committed to the cuſtody of the Ordinary, according to the Law and Cuſtom of this Realm, the former Offence, wherein Clergy is not grantable, being then not known, and ſo by that means cannot after be impeached for the ſaid other horrible and great Offences, by the Law and Cuſtom of this Realm, to the great encouraging of Offendors, uſing ſuch practices of foreknowledge and ſet purpoſe, for their diſcharge of the ſame:

Enacted, that, — Purgation for the ſecond offence notwithſtanding, they ſhall be indicted for the firſt.

IV. For reformation whereof, Be it further enacted by the authority aforeſaid, That every perſon or perſons, which ſhall hereafter upon his and their arraignment for any Felony, be admitted to the benefit of his Clergy, by the Laws of this Realm, and delivered to the Ordinary for the ſame, and ſhall make his due purgation for the ſame Offence or Offences, whereupon he was ſo admitted to his Clergy, and ſhall before the ſame admiſſion to his Clergy, have committed any other ſuch Offence, whereupon Clergy by the Laws or Statutes of this Realm is not allowable, and not being thereof indicted and acquitted, convicted, or attainted, or par-

doned,

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doned, ſhall and may be indicted or appealed for the ſame, and thereupon put to anſwer, and ordered and uſed in all things according to the Laws and Statutes of this Realm, in ſuch like manner and form, as though no ſuch admiſſion of Clergy had been; Any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

CAP. VI.

BREAKING *of the Ordinary's* PRISON.

A.D. 1357.

31 Edw. III. (*St.* 1.) Cap. 13.

In an Act, Entituled, *An Act of the King's Pardon.*

Breaking of the Ordinary's Priſon.

------ Except the eſcapes of Clerks convict out of the priſon of the Prelates their Ordinaries.

Eſcapes of Clerks Convict, excepted out of the Pardon.

A.D. 1380.

4 Rich. II. Cap. 2.

Item, conſidering the great aides, which the Clergie and the Commons of the ſame Realme have done to us of their free will in our great neceſſities before this time, and ſpecially now in this preſent Parliament, we willing for ſo much, and for the great charges which they have had and ſuffered by the warres and other manner, to do them grace and reliefe on the other part; Have of our ſpeciall grace at their prayer, releaſed and pardoned to the Clergie and Commons, and to every ſingular perſon of our ſayd Realme, as much as to us pertaineth, for all maner eſcapes of Felons made and fallen before the date of theſe preſents, as well of Clerkes convict out of the Ordinaries priſons, as of other priſoners and Felons, Except eſcapes judged before this time.

Eſcapes of Clerks Convict out of the Ordinaries Priſon, pardoned with others,

Provided alwayes, that if any of the ſaid eſcapes were made fraudulently by covin or of the aſſent of the keepers of the ſaid priſoners, that the ſame eſcapes ſhall not bee compriſed within this our grace by any way.

— if not made fraudulently.

A.D. 1421.

9 Henr. V. Cap. 8.

Item, Becauſe that many Clerkes and Schollers of the Univerſitie of Oxenford, unknowne, armed, and arrayed in the manner of warre ---- with ſtrong hand have taken Clerkes convict of Felony by due Proceſſe of the Law, out of the Ward of the Ordinaries, and thoſe priſoners have brought with them and let go at large, as the King by open complaint to him made in this Parliament hath conceived: Our ſaid Soveraign Lord the King, willing upon the ſame to ſet remedy, hath ordained and ſtabliſhed, that due Proceſſe ſhall be made againſt ſuch Schollers wrong doers, for their offences, as the Law and alſo the Statutes of the Land require, according to the caſe, till they come to anſwere, or elſe be outlawed. And if any ſuch Scholler be ſo outlawed, then the Juſtices, before whom ſuch outlawry ſhall be returned, ſhall certifie the Chanceller of the ſaid Univerſitie for the time being of the ſame outlawrie. And that the ſame Chanceller, upon ſuch certification had, ſhall doe to be baniſhed, maintenant, and without difficultie, ſuch outlawes out of the ſame Univerſitie, upon the paine that pertaineth. And that this Ordinance indure till the next Parliament be holden, after the Kings returne from beyond the Sea into England.

Scholars of the Univerſity of *Oxford*, having violently reſcued Clerks Convict out of the Ordinaries Priſons, — ſhall be proceeded againſt, till they anſwer, or be outlaw'd;

— and, being outlawed, they ſhall be baniſhed the Univerſity.

A.D. 1531.

23 Henr. VIII. Cap. 11.

An Act concerning breaking of priſon by Clerkes convict.

Where divers perſons being convict of murther or felonie, having the privilege of their Clergie and delivered to the Ordinaries, afterwards wilfully breake the priſons of the Ordinaries, and eſcape their wayes, doing and committing great, horrible, and deteſtable offences; and as hitherto for ſuch wilful breaking of priſons of ordinaries by clerks convict, hath not bin provided any great penaltie, whereby they ſhould ſtand in dread of doing of the ſame: Bee it therefore enacted by authoritie of this preſent Parliament, that if any clerke convict being in priſon of any ordinarie, wilfully breake the ſaid priſon, and eſcape his way out of the ſame, that then every ſuch breaking of priſon and eſcape, ſhal be from henceforth deemed and adjudged felonie, and the offender therein ſhall have and ſuffer ſuch paine of death and penalty, and loſſe of his lands and goods, as for other felonies is accuſtomed by the Lawes of this Realme, and ſhall not in any wiſe bee admitted to have the priviledge or benefit of his Clergie, nor enjoy any Sanctuary for the ſame.

No ſufficient penalty being provided for the breaking of the Ordinaries Priſon, by Clerks Convict,

Enacted, that, — it ſhall henceforth be Felony, without benefit of Clergy or Sanctuary.

CAP. VII.

CHANGE, *and* ABOLITION, *of Purgation.*

1 Edw. VI. Cap. 3.

A.D. 1547.

In an Act, Entituled, *An Act for the Puniſhment of Vagabonds, and for the relief of poor and impotent Perſons.*

Change, and Abolition, of Purgation.

Penalty inſtead of Purgation, *viz.*

III. Provided alſo, and be it enacted by the authority aforeſaid, that no Clerke convicted ſhall hereafter make his purgation, and upon ſuch purgation be delivered, and ſet at large, otherwiſe then is in this Statute hereafter expreſſed.

—a Clerk Convict, inſtead of Purgation, ſhall find a Man who ſhall be bound to keep him, as his Slave, for one year;

—to whom the Ordinary may deliver him, and be diſcharged;

IV. And be it further enacted by authoritie aforeſaid, that every Clerke convict, or hereafter to be convicted, which ſhould by the order of the Law enjoy the benefit of their purgation, ſhall and may from henceforth finde any man (if hee can) who ſhall be bounde with two ſufficient ſureties to the ordinarie, in the ſumme of twentie poundes to the Kings highneſſe uſe, to reteine the ſaid convict as his ſlave, and to keep the ſaide perſon ſo convict for the ſpace of one yeere then next following, that he ſhall not goe abroad, and at large, and then the ſaid convict ſhall be delivered to the ſaid perſon ſo taking the ſame, and being bound, as is aforeſaid, to be his ſlave for one whole yeere then next following by vertue of this Act, in all ſuch maner and forme, and to all ſuch intents and purpoſes, and with all ſuch order, lawes, conditions and penalties for running away, or otherwiſe, as is aforeſaid of a vagabond taken loytering, and made a ſlave (burning in the breaſt only except) and the Ordinarie by the delivery of the ſaid convict to ſuch perſon being bound, as is aforeſaid, to be of the keeping of the ſaid convict cleerely diſcharged, and exonerated by vertue of this Act.

—but if he cannot find a Man, he may make his Purgation at the end of one year.

V. And if ſo be that the ſaid Clerke ſo convict cannot finde any man to be bounde, as is aforeſaid, to whom he may bee adjudged a ſlave, in the ſpace of one yeere, then at any time after the ende of one yeere after his conviction, it ſhall bee lawful for the ſaid Clerke convict to make his purgation, as hee might before this Statute, any thing in this preſent Act to the contrary notwithſtanding.

If any man will be bound to keep a Clerk Convict, who cannot make Purgation, as his Slave for 5 years,

—the Ordinary ſhall deliver him, and be diſcharged.

VI. And when the Clerkes convicted, or attainted by the order of the Laws of this Realme, cannot make their purgation, and ſhould perpetually by the ſame remaine in priſon: Bee it neverthelеſſe enacted by the authoritie aforeſaid, that if there bee any manner of perſon, who will at any time demand the ſaid Clerke convicted, or atteinted, and be bound to the Ordinarie with two ſufficient ſureties, as is above written, to keepe the ſame as his ſlave by the ſpace of five yeeres then next following, that then the ſame ſhall bee adjudged his ſlave for like ſpace, with all ſuch orders, lawes and penalties, for running away, and other orders, as is before expreſſed of a vagabond, adjudged to any man for a ſlave (the burning in the breaſt onely except) and upon the adjudgement delivered to ſuch demandant, the Ordinarie from thenceforth of the keeping of ſuch Clerke convicted or atteinted, cleerely exonerated, and diſcharged by virtue of this Act.

18 Eliz. Cap. 7.

A.D. 1575.

In an Act, Entituled, —*An Order for the delivery of Clerks Convict without Purgation.*

Perſons admitted to the benefit of Clergy, ſhall not be delivered to the Ordinary,

—but ſhall be burnt in the hand and enlarged out of priſon;

I.—For the avoiding of [g] ſundry Perjuries, and other Abuſes, in and about the Purgation of Clerks convict——

II. Be it further Enacted, by the authority aforeſaid, That every perſon and perſons, which at any time after the end of this preſent Seſſion of Parliament, ſhall be admitted and allowed to have the benefit or priviledge of his or their Clergy, ſhall not thereupon be delivered to the Ordinary, as hath been accuſtomed, but after ſuch Clergy allowed, and burning in the hand, according to the Statute in that behalf provided, ſhall forthwith be enlarged and delivered out of priſon by the Juſtices before whom ſuch Clergy ſhall be granted, that cauſe notwithſtanding.

—except that the Judges may keep them in priſon, for ſome convenient time, not exceeding one year.

III. Provided neverthelеſſe, and be it alſo Enacted by the authority aforeſaid, That the Juſtices before whom any ſuch allowance of Clergy ſhall be had, ſhall and may for the further correction of ſuch perſons to whom Clergy ſhall be allowed, detain and keep them in priſon for ſuch convenient time, as the ſame Juſtices in their diſcretions ſhall think convenient, ſo as the ſame do not exceed one years impriſonment: Any law or uſage heretofore had or uſed to the contrary in any wiſe notwithſtanding.

Hob. 291.

[g] **Sundry Perjuries**] The Perjuries (ſaith *Hobart*, not over charitably) were indeed ſundry: One in the Witneſſes, and Compurgators: another in the Jury, compounded of Clerks and Laymen: and of the third, the Judge himſelf was not clear; all turning the Solemn Trial of Truth by *Oath*, into a Ceremonious and Formal *Lie*.

TIT. L.

Privilege of SANCTUARY, and the ORDERING of Sanctuary-Perſons.

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Cap. I. *Privilege of Sanctuary* CONFIRMED.

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CAP. I.

Privilege of Sanctuary CONFIRMED.

A.D. 1261.
45 *H.* 3.

BONIFACIUS.

Confugientibus ad Immunitatem Eccleſiæ non ſunt alimenta neganda, neque cuſtodia adhibenda, ſed non niſi per Canones eſt Immunitas concedenda.

Privilege of Sanctuary Confirmed.

Lyndw. Edit. Oxon. p. 255.
OBS.

PORRO, & *infrà.* Statuimus, ut qui ad [a] Immunitatem Eccleſiæ fugientibus Alimenta impedierint miniſtrari, ſecundùm arbitrium Ordinariorum per Cenſuram Eccleſiaſticam arceantur. Confugienteſque hujuſmodi, ab Eccleſia vel [b] Cœmeterio, vel poſt [c] abjurationem terræ à via publica [d] extrahentes, vel extractos occidentes, cùm ſub [e] Eccleſiaſtica protectione conſiſtunt, omnibus pœnis Sacrilegii percellantur, unâ reliquam [f] minimè conſumente. In Eccleſia autem, vel Cœmeterio non fiat [g] Cuſtodia confugientium ad eandem; quòd ſi ſecus præſumptum fuerit, tam Cuſtodes, quàm qui eos appoſuerunt, in forma Juris per Excommunicationis ſententiam arceantur. Illos quoque tantummodo * tueatur Eccleſia, quos [h] Canones præcipiunt eſſe tuendos.

They who fly to the Church, ſhall not be hindred of Proviſions,
—nor diſturbed in the high-way after Abjuration,
—nor be under cuſtody, in the Church, or Church-yard.

None ſhall have Sanctuary, but according to the Canons.

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[a] Immunitatem Eccleſiæ] *Immunitas Eccleſiæ conſiſtit in hoc, quòd ad eam confugientibus nec Victualia neceſſaria, nec Veſtes, nec Quies auferatur, nec exitus ad Latrinas uſque ad locum debitum; nam nulla neceſſitas debet arctare illum qui Clauſtris Dominicis ſe defendendum commiſit.* Lyndw.

[b] Cœmeterio] *Quod etiam Immunitate gaudere debet, ut ſalvet fugientem ad illud.* Lyndw.

[c] Abjurationem Terræ] *Loquitur ſecundum Conſuetudinem Regni Angliæ, ubi fugiens ad Eccleſiam pro aliquo Crimine, abjurans Terram deducetur ad proximum Portum, ut exeat Terram; Salvâ ſibi Vitâ & Membris. Scias tamen, quòd Clericus pro Feloniâ fugiens ad Eccleſiam pro Immunitate habendâ, aſſerens ſe eſſe Clericum, Regnum non compellitur Abjurare.* Lyndw.

[d] Extrahentes] *Sin autem talis Abjurans voluntate propriâ declinet à* viâ publicâ, *non habebit locum quod hic dicitur; dum tamen dolo vel fraude ad hoc non fuerit inductus.* Lyndw.

[e] Eccleſiaſticâ protectione] *In cujus ſignum, tales conſueverunt in manibus geſtare ſignum* Crucis, *ad deſignandum quòd ſub protectione Eccleſiæ conſiſtunt.* Lyndw.

[f] Minime conſumente] *Hoc potes ſane intelligere, in quantum talis pœna concernit Forum Spirituale, & etiam Forum Temporale; nam pro* Sacrilegio *poteſt agi in utroque. Unde pœna inflicta in Foro Eccleſiaſtico non impediet pœnam infligi in Foro Seculari.* Lyndw.

[g] Cuſtodia] *Quæ ſolet fieri, nè hujuſmodi Confugientes evadant.* Lyndw.

* Tueatur Eccleſia] *Scil. conſtructa auctoritate Epiſcopi, vel Archiepiſcopi in ſuis Diœceſibus; alias auctoritate Papæ: nam ſi ſine auctoritate Papæ, Archiepiſcopi, vel Epiſcopi, in ſuis Diœceſibus fuerit conſtructa, non gaudebit Immunitate, nec dicetur Eccleſia.* Lyndw.

[h] Canones] *Judæus, vel Paganus, vel minùs Catholicus, fugiens ad Eccleſiam, non gaudebit Immunitate: (Vir autem Catholicus, fugiens ad Eccleſiam, ſi in Eccleſiâ deliquerit, non juvabitur per eam; quia fruſtra invocat Eccleſiæ auxilium, qui in eam committit:) —— Servus fugiens ſine ſævitiâ Domini —— Liber fugiens propter Tributum non Solutum, —— Fugiens pro Debito (ſecundum Jus Municipale)* non gaudebunt immunitate. Lyndw.

Privilege of Sanctuary Confirmed.

A.D. 1268. 52 *H.* 3.

OTHOBON.

De Abſtrahentibus confugientes ad Eccleſiam vel Cœmeteria, ſeu res ibidem depoſitas; & de auferentibus aliquid præter voluntatem Eccleſiaſticorum Dominorum de domibus, maneriis, ſeu grangiis eorundem.

Summarium.

Si quis auctoritate vel facto, per ſe vel per alium, aliquem ab Eccleſia aut Cœmeterio ejus, vel bona illic depoſita, abſtraxerit, aut abſtrahentes defenderit, & abſtractionem ratam habuerit, ſit ipſo facto Excommunicatus; nec abſolvatur, donec Eccleſiæ violatæ, & damnum paſſo, competenter ſatisfecerit: & ſi ſit Excommunicatus, & à Diœceſano admonitus intra præfixum tempus non ſatisfecerit, ejus terra Eccleſiaſtico ſubjiciatur Interdicto, ante ſatisfactionem non relaxando: quòd ſi terram non habuerit, niſi Dominus terræ admonitus eum expulerit, ejus terra Interdicto, & ipſe conſimili Excommunicationi ſubjaceat. Si verò Clericus ſic excommunicetur, nec ſtatim admonitus ſatisfecerit, omni Beneficio in toto Regno privetur: & ſi nullum obtinet, ad obtinendum ſit proximo quinquennio inhabilis. Similis autem ſententia in Eccleſiarum Incendiarios & Effractores feratur. Præterea, qui ex locis ad Eccleſias vel Eccleſiaſticos pertinentibus quicquam contra conſenſum eorum abſtulerit aut abſumpſerit, ipſo facto ſit Excommunicatione, donec ſatisfecerit, innodatus. Quod Statutum nè negligatur, diebus Dominicis in ſingulis Eccleſiis, —aſtantibus Parochianis, continuè per annum proximum publicetur.

The Church being the known refuge of thoſe who fly to it,

—and yet often violated by profane Men,

Othob. Edit. Oxon. p. 101. OBS.

† MS. *Nr.*

AD tutelam & refugium *i* oppreſſorum, ita immunitatem *k* Eccleſiaſticam cernimus conſtitutam, ut etiam * reos ſanguinis ab incurſu hujuſmodi defendat: quantò magis inſontes criminum confugientes ad ipſam, & res nulli vitio ſubjacentes hoſtili timore intra ipſius Eccleſiæ *l* ſepta depoſitas convenit non ſolùm exinde non abſtrahere vel rapere, ſed etiam non contingere, † ut in eis aliquid temeritatis attententur, ſatis intelligit qui prudenter attendit. Præterea tam circa tuitionem perſonarum ad Eccleſias vel Cœmeteria confugientium, & rerum quæ in ipſis pro ſecuritate fiducialiter reponuntur, quàm circa ſalutem hominum prophanorum, qui timore Dei contempto, & Eccleſiæ reverentiâ prorſus abjectâ, imò totius humanitatis & famæ pudore depoſito, ad hujuſmodi confugarum abſtractionem, & rerum prædam & rapinam, de locis ipſis ſe conferunt impudenter; Nos tantò promptius oportet intendere, quantò ſceleris hujuſmodi perfidia majus noſcitur periculum importare.

—we decree, that none diſturb any Perſon who flies thither,

—upon pain of Excommunication *ipſo facto*,

—and Interdict, if ſatisfaction is not preſently made,

—together with Deprivation, if beneficed,

—or Incapacity, if not.

Nos igitur hujuſmodi iniquitates & ſcelera perfecto odio ex Officii noſtri debito proſequentes, Statuimus, ut ſi quis aliquem ad Eccleſiam, Cœmeterium, vel Clauſtrum fugientem inde abſtraxerit violenter, vel ejus victui neceſſaria prohibuerit, in quo ſimilis eſt necanti, aut res alienas in locis prædictis depoſitas violenter ſeu hoſtiliter aſportaverit, ſeu aſportari fecerit, aut factam ſuo nomine vel à familiaribus ſuis abſtractionem, prohibitionem, vel aſportationem ratam habuerit, aut abſtrahentibus, prohibentibus, vel aſportantibus præbuerit publicè vel occultè auxilium, conſilium, vel conſenſum; ipſo facto ſit Excommunicatus vel Excommunicationis vinculo innodatus: à quo nullatenus abſolvatur, niſi prius Eccleſiæ, cui tantam injuriam intulit, & damnum paſſo ſatisfecerit competenter. Et ſi quidem Excommunicatus hujuſmodi monitus à ſuo Diœceſano infra præfixum tempus ab eo non ſatisfecerit, terra ipſius ſubjiciatur Eccleſiaſtico Interdicto, quod ante præſtitam ſatisfactionem nullatenus relaxetur. Quòd ſi fortè terram non habeat, Dominus terræ in qua moratur, ſi monitus infra terminum ſibi ad hoc indultum extra eam non expulerit hujuſmodi peſtilentem, extunc terra ipſius Eccleſiaſtico Interdicto ſupponatur, quamdiu remanſerit ipſe ibidem duraturo. Nempe ſi talis Excommunicatus Clericus ſit, & à Prælato ſuo monitus infra terminum quem ei duxerit præfigendum minimè ſatisfecerit, extunc omni Beneficio Eccleſiaſtico, quod in eodem Regno obtinet, ſit privatus. Si verò nullum obtinet, ad quodcunque ejuſdem Regni Beneficium per quinquennium ſit inhabilis obtinendum. Etenim dignè ab Eccleſiaſticis bonis excluditur, qui charitatem & Eccleſiæ decus in Dei contemptum & proximi diſpendium tam nequiter violavit.

The ſame ſhall be done to the burners and breakers of Churches.

Quæ autem in præmiſſis Statuta ſunt, omnia eadem contra Eccleſiarum incendiarios & effractores Volumus & Præcipimus obſervari.

They who take away the Goods

Ad hæc, ſi quis de domibus, maneriis, grangiis, & aliis locis hujuſmodi ad Archiepiſcopos, vel alias perſonas Eccleſiaſticas, vel ad ipſas Eccleſias pertinentibus accedens, quic-

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i Oppreſſorum] *Per Superioritatem Dominicam, vel Poteſtativam: ſed* Appellatio *dicitur Confugium & Levamen Oppreſſorum injurioſè, ad præſidium Innocentiæ inſtituta.* J. de Athon.

k Eccleſiaſticam] *Aliud autem eſt, violare Eccleſiam, aliud* Baſilicam *non Conſecratam; licèt Baſilica talis, imò & Oratorium, cùm per Epiſcopum ad Sacra fuerit deputatum, & etiam Eccleſia conſecrata interdicta, Immunitatem tribuat.* Lyndw.

* Reos Sanguinis] *Aut qui per* Inſidias *aliquem occidit, & tunc non eſt tuendus per Eccleſiam; aut* Impetu *&* Indeliberatè, *& tunc Immunitate gaudere debet.* J. de Athon.

l Septa] *Domus Epiſcopi vel Rectoris, etiam diſtantes, Eccleſiaſticæ Immunitatis Privilegio gaudent.* J. de Athon.

Privilege of Sanctuary Confirmed.

quam præter voluntatem aut permiſſionem Dominorum, vel eorum qui ſunt hujuſmodi rebus ad cuſtodiendum deputati, conſumere, aut auferre, vel contrectare præſumpſerit, ipſo facto ſit Excommunicatione ligatus: à qua, donec ſatisfecerit, Abſolutionis gratiam minimè conſequatur.

of Eccleſiaſticks, ſhall be *ipſo facto* Excommunicated.

Et nè hoc ſalubre Statutum prætextu ignorantiæ negligatur, ipſum, vel intentionem ipſius, per annum continuè à tempore publicationis ejuſdem in Eccleſiis Cathedralibus, Collegiatis, & aliis, per Capellanos & Rectores Eccleſiarum publicari, quibuſlibet diebus Dominicis, aſtante Parochianorum & Fidelium multitudine, Præcipimus.

This Conſtitution ſhall be publiſhed every *Sunday* for a year.

A.D.1315.

9 Edw. II. Cap. 10.

They that Abjure the Realm, ſhall be in peace, ſo long as they be in the Church, or high-way.

ALSO where ſome *m* flying unto the Church, *n* abjure the Realm according to the cuſtome of the Realm, and lay-men or their enemies do purſue them, and pluck them from the Kings *o* high-way, and they are hanged or *p* headed; and whilſt they be in the Church, are kept in the Church-yard with armed men; and ſometime in the Church ſo ſtraitly, that they cannot depart from the hallowed ground to empty their belly, and cannot be ſuffered to have neceſſaries brought unto them for their living. The Anſwer. They that abjure the Realm, ſo long as they be in the common way, ſhall be in the Kings peace, nor ought to be diſturbed of any man; and when they be in the Church, their keepers ought not to abide in the Church-yard, except neceſſity or peril of eſcape do require ſo. And ſo long as they be in the Church, they

That the Church, as a Sanctuary, may not be violated, as it hath been,

They who abjure the Realm, ſhall be in the Kings Peace, in the high way,

Bingh. l. 8. c. 11.

m **Flying unto the Church**] This Cuſtom of the *Chriſtian* Church (taken from the *Jewiſh* Law) is as old as the time of *Conſtantine* the Great; and (as a learned Writer obſerves) ſeems, at firſt, to have been a Privilege more peculiarly annext to the *Altar* (called therefore ἄσυλος τράπεζα, or the Table from which no one could be *raviſhed, or taken away.*) But in the *Theodoſian* Code, under the Title, *De his qui ad Eccleſias confugiunt*, not only the *innermoſt part* of the Temple, *viz.* the Altar and the Body of the Church, are entitled to the Privilege of Sanctuary, but alſo the Houſes and Lodgings of Biſhops and Clergy, with Gardens, Baths, Courts, and Cloyſters.

Cod. Theod. l. 9. t. 45. Vid. Infr. Keilway.

The *Deſign* of Sanctuary (as the ſame Writer expreſſes it) was not to patronize Wickedneſs, or to ſhelter Men from the due Execution of Juſtice or the force of the Laws in *ordinary* Caſes; but chiefly, to be a Refuge for the Innocent, the Injured, and Oppreſſed: or, in *doubtful* Caſes, whether Criminal or Civil, only to give Men Protection ſo long, till they might have an equitable and fair Hearing of the Judges, and not be proceeded againſt barbarouſly and rigorouſly under pretence and colour of Juſtice; or, at moſt, only to give Biſhops Opportunity to intercede for Criminals and Delinquents, in ſuch Caſes as it was both becoming and lawful for Biſhops to turn Interceſſors. To which we may add what was alledged in *Savage*'s Caſe, 8 *Hen.* 8. that he fled to the Sanctuary, not only *pro tuitione Vitæ ſuæ*, but alſo *ibidem manere, pur amendment de ſon vie, durant ſon vie:* For the *Amendment* of the Perſon, was probably one great reaſon why many Religious Houſes were allowed *perpetual Sanctuary*, or during life; that they might there ſpend the remainder of their Days in Piety and Devotion.

Keilw. 188. a.

This Privilege is particularly ſpoken of in the Laws of King **Ina*; *Si quis rei Capitalis reus ad templum confugerit, vitâ potitor*; and is mentioned more largely, and confirmed, in the Laws of King † *Canutus*. And if a Perſon who had taken Sanctuary, was by force and violence taken out of it, the King's Writ went out, for the reſtoring of him:

* Leg. Inæ, c. 5.

† Leg. Canut. c. 2, 3.

Regiſtr. f. 69, a.

Rex, dilectis & fidelibus ſuis A. & B. juſtitiariis ad gaolam, &c. aſſignatis, ſalutem. Significavit nobis venerabilis pater J. Epiſcopus Lincoln. per literas ſuas patentes, quòd cùm D. nuper crimine furti ſibi impoſito, & in priſona noſtra de N. detentus, ab eadem priſona evaſiſſet, & uſq; ad eccleſiam ejuſdem villæ pro immunitate eccleſiæ obtinenda confugiſſet: quidam malefactores, ſalutis ſuæ immemores, ad dictam eccleſiam accedentes, ipſum D. à cœmeterio ejuſdem eccleſiæ vel à prædictâ Eccleſiâ violenter extraxerunt, & uſq; A. adduxerunt, & ipſum Vicecomiti noſtro comitatûs prædicti liberaverunt carcerali cuſtodiæ ibidem mancipandum, in qua adhuc detinetur in libertatis eccleſiaſticæ præjudicium manifeſtum. Et quia nolumus quòd libertas eccleſiaſtica per nos vel miniſtros noſtros quoſcunq; aliqualiter violetur: Vobis mandamus quòd ſi vobis conſtiterit ita eſſe, tunc ipſum D. ad eundem locum à quo extractus fuerat, ut eſt dictum, reduci faciatis, ibidem in eodem ſtatu, quo, tempore extractionis prædictæ, fuerat, juxta libertatem eccleſiaſticam moraturus. T. &c.

In the forementioned Caſe of *J. Savage (*8 *Hen.* 8.*)* divers matters were affirmed and reſolved concerning Sanctuaries: That the *Pope* without the King, could not make a Sanctuary, as had been alſo declared before, in the Reign of *Edw.* 4. That they muſt *begin* with a Grant from the King, and then be *Confirmed* by the Pope; but if they begun with the Pope, tho' *afterwards* Confirmed by the King, it was inſufficient: That the general words, *Ambitus, Præcinctus, Clauſura*, in ſuch Grants, whether Papal or Regal, did only include *Church, Cloyſter, Dormitory*, and *Cæmetery*, and extended not to Gardens, Barns, Stables, and the like: That Sanctuary, *de jure communi*, was only for 40 Days (which was the Caſe of all *Parochial Churches* and *Church-yards*,) and that the enjoyment of it for *life*, or *as long as the Party pleaſed* (which was uſually the Caſe of *Religious Houſes)* depended upon ſpecial Grants; and theſe, together with uſage and cuſtom thereupon, being more than the Common-Law allowed, were to be *very well proved*, or otherwiſe declared null and void; and, That any perſon, while he was in Sanctuary, committing Treaſon, Murder, or Robberie, did thereby *loſe the Benefit* of Sanctuary.

Keilw. 188. a.

Ib. 190. a, b.

Ib. 191, a.

Ib. 189, a. Vid. infr. in v. *Clericum.*

Ib. 191, b. Vid. infrà Lyndw. in v. *Canones.*

n **Abjure the Realm**] The Abjuring of the Realm is thus expreſſed by *Bracton*, *Si recognito maleficio, elegerit Regnum* Abjurare, *eligere debet* Portum *aliquem, per quem tranſire poſſit ad terram aliam* extra Regnum Angliæ; *quia non tenetur abjurare terram & poteſtatem Regis præciſè, ſed tantùm regnum Angliæ.* And the Oath they took to abjure, is as follows, *Hoc audite, Juſticiarii (vel, O vos Coronatores,) quòd exibo à regno Angliæ, & illuc iterùm non* revertar, *niſi de* licentiâ *Domini Regis, vel hæredum ſuorum: Sic me Deus adjuvet*, &c. But if he did abjure, and *Return*, he had (notwithſtanding that) the Benefit of Clergy; as was adjudged in the 8*th* of *Henry* the eighth.

Bract. l. 3. f. 135. b.

Ibid. 136. a.

Keilw. 186. b.

o **Highway**] What remained to be done, *after* Abjuration, is thus deſcribed by *Bracton*: *Computari ei debent rationabiles* Diætæ *uſque ad Portum illum* [quem elegerit,] *& debet ei interdici, ne exeat* Regiam Viam, *nec moram faciat alicubi per duas noctes, nec alicubi ſe divertat, nec multùm declinet à viâ, niſi hoc fuerit ex magnâ neceſſitate, vel hoſpitandi cauſâ: ſed ſemper tendat* rectâ viâ *ad portum* —.

Bract. l. 3. f. 136. a.

p **Headed**] This (ſaith my Lord *Coke*) was miſtaken in the Petition; for no Man can be *beheaded* but for Treaſon; and no Man could *Abjure* for Treaſon, becauſe the Coroner had no power to take any *Confeſſion* for Treaſon; albeit he had a ſpecial Commiſſion from the King to do it.

2 Inſt. 629.

—and, being in the Church ſhall be free, and ſhall have neceſſaries.

Prieſts ſhall not reveal the Confeſſions of Thieves.

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ſhall not be compelled to flee away, but they ſhall have neceſſaries for their living, and may go forth to empty their belly. And the Kings pleaſure is, that thieves or appellors (whenſoever they will) may confeſs their offences unto Prieſts; but let the Confeſſors beware that they do not erroniouſly inform ſuch appellors.

A.D. 1315.

9 Edw. II. Cap. 15.

A Clerk fleeing into the Church for Felony, ſhall not be compelled to abjure.

Recited, that temporal Judges admit Abjurations, and ſo can put Clerks to death, if they be found in the Realm afterwards;

—and ordained, that no Clerk fleeing to the Church, and affirming himſelf to be a Clerk, ſhall be compelled to Abjure.

MOreover, though a Clerk ought not to be judged before a temporal Judge, nor any thing may be done againſt him that concerneth life or member, nevertheleſs temporal Judges cauſe that Clerks fleeing unto the Church, and peradventure confeſſing their offences, do abjure the Realm, and for the ſame cauſe admit their abjurations, although hereupon they cannot be their Judges: and ſo power is wrongfully given to lay-perſons to put to death ſuch Clerks, if ſuch perſons chance to be found within the Realm after that abjuration; The Prelates and Clergy deſire ſuch remedy to be provided herein, that the immunity or priviledge of the Church, and ſpiritual perſons, may be ſaved and unbroken. The Anſwer. A Clerk fleeing to the Church for Felony to obtain the priviledge of the Church, if he affirm himſelf to be a Clerk, he ſhall not be compelled to abjure the Realm; but *q* yeelding himſelf to the Law of the Realm, ſhall enjoy the priviledge of the Church, according to the laudable cuſtom of the Realm heretofore uſed.

2 Inſt. 637.

q Yielding himſelf] *i. e.* (ſaith my Lord *Coke*) ſubmitting to take the Privilege by the Law of the Kingdom (in oppoſition to the Force of foreign Canons and the Authority of foreign Councils :) whereas, in truth, no more ſeems to be meant by thoſe Words, but only the Submitting himſelf to the known *Rules* and *Orders* of the Sanctuary.

There was another Crime of a Spiritual Nature, from which *Sanctuary* was taken, viz. *Sodomy* and *Buggery*; but that is inſerted in the proper Place, (as this ought to have been under *Tit.* ix. Cap. 8. *Stealing of Goods out of Churches and Chapels*; but was omitted there by miſtake :) And as to the Reſtraints of this Privilege, with regard to Crimes of a *Civil* Nature, they are Foreign to the Deſign of a Body *of Eccleſiaſtical Laws.*

Ex Reſponſionibus Regiis.

A Clerk fleeing to Sanctuary, ſhall not be compelled to Abjure.

Lyndw. Edit. Oxon. p. 268.

OBS.

——Item Clericus pro Felonia fugiens ad Eccleſiam pro Immunitate habenda, aſſerens ſe eſſe *r* Clericum, * non compellitur Regnum abjurare, ſed † Legi Regni ſe reddens gaudebit *s* Eccleſiaſticâ libertate, juxta laudabilem Conſuetudinem Regni hactenus uſitatam.

r Clericum] *Etiamſi ſolùm habeat primam Tonſuram.* Lyndw.

* Non compellitur] *Ac ſi diceret, Laicus compelli poterit; & hoc ſecundùm conſuetudinem Regni, poſtquam per* 40 *dies ſteterit in Eccleſia; quæ tamen Conſuetudo, ut mihi videtur, non eſt* rationabilis, *quia eſt contra Eccleſiaſticam Libertatem, quæ vult, quòd Eccleſia* pro ſemper *habeat tales defendere & tueri.* Lyndw.

† Legi Regni] *Quæ vult, quòd talis maneat in Carceribus Epiſcopi; ſalvâ ſibi Vitâ & Membris.* Lyndw.

s Eccleſiaſticâ libertate] *Ut, Scil. reddatur Epiſcopo ſuo judicandus.* Lyndw.

CAP. II.

Privilege of Sanctuary RESTRAINED, *and* ABJURATIONS *regulated.*

A.D. 1324.

18 Edw. II.

The Statute for View of Frankpledge.

Enquiry, concerning thoſe who are unduly diſcharged from Sanctuaries.

XXXI. Of ſuch as flye unto Church or Church-yard, and after depart without doing that which belongeth thereunto.

Privilege of Sanctuary Reſtrained, and Abjurations regulated.

A.D. 1512.

4 Henr. VIII. Cap. 2.

In an Act, Entituled, *An Act for Puniſhment of Murder.*

.--- And over that, be it enacted by the ſaid authoritie, that if any murderer or fellon upon his arreignement, heereafter doe aledge, that hee had taken any Church or Churchyard for murder, felonie, or other place priviledged for the ſame in a forreine County, and againſt his will taken out thereof, that then the Kings Attournie or any other perſon that will ſue or alledge for the King, that the ſaid murderer or fellon ſo arreigned, was taken at large in the ſame Shire where he is ſo arreigned; that then the ſame allegeance and iſſue to be tried by the Inqueſt that ſhould trie the ſaid murder or fellonie within the ſame Shire, and before the ſame Juſtice where the ſaid murderer or fellon is arreigned, as though the ſaid forreine Plee had not beene pleaded by the ſaid fellon. And if it be found by the ſame Inqueſt, that the ſaid murderer or fellon was taken within the ſame Shire (as is aforeſaid) that then he to have none advantage or benefit of the matter alledged by him for taking out of the Church or Churchyard or other place privileдged in any ſuch forreine Shire: and this Act to endure to the next Parliament.

If any Criminal ſhall plead, that he had taken Church or Church-yard in another County, and the Inqueſt do find that he was taken at large in the County where he is arraigned, —he ſhall not have the benefit of the ſaid Church or Church-yard.

This Act ſhall endure to the next Parliament.

A.D. 1530.

22 Henr. VIII. Cap. 2.

An Act for Trial of Foreign Pleas Pleaded by Felons.

WHere among other things it was conſidered by the whole Court of Parliament of our moſt excellent Sovereign Lord the King, holden in the fourth year of his noble Reign, That Murtherers and Felons, lawfully arraigned of their deteſtable offences, bare them bold upon imagining and pleading of feigned and untrue forcign Pleas triable in foreign Counties, to the intent to be removed from place to place by colourable and untrue ſuggeſtions, and for to be untruly acquit by favour, might, or corruption, ſo that they lived in manner without fear or dread: For reformation whereof, and for the common wealth of this Realm, it was enacted by Authority of the ſaid Parliament, That if any Murtherer or Felon, upon his Arraignment from thence did alledge, that he had taken any Church or church-yard for Murther or Felony, or other place priviledged for the ſame in a foreign county, and againſt his will was taken out thereof: That then the King's Atturney, or any other perſon that would ſhew or alledge for the King, that the ſaid Murtherer or Felon ſo arraigned, was taken at large in the ſame Shire where he is ſo arraigned, then that the ſame allegiance and iſſue ſhould be tried by the Inqueſt that ſhould try the ſame Murther or Felony within the ſame Shire, and before the ſame Juſtices, where the ſaid Murtherer or Felon is arraigned, as though the ſaid foreign Plea had not been pleaded by the ſaid Felon: And that if it were found by the ſame Inqueſt, that the ſaid Murtherer or Felon was taken within the ſame Shire, as is aforeſaid, that then he to have no advantage or benefit of the matter alledged by him for taking out of the church or church-yard, or other place privileged in any ſuch foreign Shire, and that the ſaid Act ſhould endure to the next Parliament from thence enſuing, as by the ſame Act made in the ſaid fourth year manifeſtly appeareth: And foraſmuch as ſith the time of expiration of the ſaid Act made in the ſaid fourth year, many abominable Murthers, as well of Prieſts as of other perſons, robberies of Church, and robberies of perſons in their houſes, as well by day as by night, and other moſt deteſtable Murthers and Felonies, have been committed and done within this Realm, and the moe, and more often, becauſe that the ſaid Statute hath been expired and ended, from and ſince the beginning of the Parliament of our ſaid Sovereign Lord holden in the ſixth year of his moſt noble Reign:

Recital of the foregoing Act, —which was to endure only to the next Parliament; and, being expired, and many murthers, and felonies thereupon committed,

II. It is ordained and enacted by Authority of this preſent Parliament, That the ſaid Act made in the ſaid fourth year, and every thing therein contained concerning the ſaid foreign Pleas, and replications thereunto to be made, and trials thereof, ſhall now be revived, and ſhall ſtand in full force and effect, and ſhall continue and endure from henceforth for ever, as if the ſame Act had been originally made perpetual and not determinable.

—the ſaid Act ſhall be revived, and made perpetual.

A.D. 1529.

21 Henr. VIII. Cap. 2.

An Acte that abjured Perſons ſhall be marked in the right hand with the Signe of an A.

BE it enacted by the King our Sovereigne Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame: That if any perſon take Sanctuary in any Church, Churchyard, or other holy place, for felonie or murder, where he ought by the Lawes and Cuſtomes of this Realme, to have his Abjuration for the ſame, that then the ſame felon or murderer ſhall take his abjuration and paſſage out of the ſame Church, Church-yard or other holy place, at ſuch day and time as ſhal be limited to him by the Coroner of the Shire, or place wherein hee taketh ſuch Sanctuary; and that the Coroner immediately after his confeſſion, and before his abjuration, ſhall cauſe every ſuch felon or murderer to bee marked with an hot iron upon the brawne of the thumbe of the right hand with the ſigne of an A, to the intent he may be the better knowen among the Kings ſubjects, that he was abjured, and then to give him his abjuration, and to be uſed in all other things as hath been accuſtomed. And that all Maiors, Bailifs, and Conſtables, ſhall bee attendant

Any Perſon taking Sanctuary in a Church or Church-yard, *&c.* ſhall have the benefit of Abjuration, —at ſuch day as ſhall be limited by the Coroner, —who ſhall cauſe him to be marked with an *A*,

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tendant at the commandment of the Coroner for the due execution thereof, as they will anſwer at their perils to the Kings highneſſe for the ſame.

— and they who refuſe to take paſſage out of Sanctuary, ſhall loſe the benefit of it.

II. And if any felon or murderer that ought to have any ſuch abjuration, refuſe to take his paſſage out of the ſaid Sanctuary, at ſuch time as ſhall be limited to him by the ſaid Coroner; that then the ſaid felon or murderer ſo refuſing ſhall loſe the benefit of the ſame Sanctuary, and be taken out of the ſame, and committed to priſon, and further to be ordered for his offence after his merits, without any reſtitution to Sanctuary for the ſame.

A.D. 1530.

22 Hen. VIII. Cap. 14.

For Abjurations and Sanctaries.

The ſtrength of the Realm being much diminiſhed, by perſons taking Sanctuary, and Abjuring it,

— who alſo inſtruct foreigners in Archery, and diſcloſe the ſecrets of the Realm;

Enacted, that, — Perſons who take Sanctuary, and who uſed to abjure the Realm, ſhall henceforth be confined to ſome one Sanctuary, during Life;

— and, if taken without the ſame Sanctuary (not having the Kings Licence) he ſhall ſuffer death.

THE King our ſoveraign Lord conſidering, that many of his ſubjects heretofore for their offences and merits, have been put to execution of death by the Laws of this Realm, and many other committing like offences, for tuition of their lives, have fled and reſorted to Churches, and other hallowed places within this Realm, and there being, have abjured the Realm before the Kings Coroners of the ſame; divers of which men (ſo abjuring) have been known to be very expert Mariners, and many other have been ſeen to be very able and apt men for the wars, and defence of this Realm, ſo that by the one mean, and the other, the ſtrength and power of this Realm is greatly miniſhed: And divers of the ſaid perſons which heretofore have abjured this Realm, being by reaſon of their abjurations in outward Realms and Countries, have not only procured many men of the ſame to the exerciſe and practice of Archery, and have inſtructed them in the fear and knowledge thereof, to the great increaſe and fortification of the ſame outward Realms and Countries, but alſo the ſame abjured perſons have diſcloſed their knowledges of the commodities and ſecrets of this Realm, to no little damage and prejudice of the ſame: The Kings Highneſs therefore daily ſtudying and deviſing to provide for the ſafeguard of this his Realm, and of his ſubjects, albeit, they be tranſgreſſors of his Laws, ſo that the incommodities inſuing upon ſuch abjurations to be preſerved to the beſt effect as far as ſhall pleaſe God to give them grace; Hath ordained and enacted by authority of this preſent Parliament, That if any perſon hereafter fly or reſort to any Pariſh Church, Cemetery, or or other like hallowed place, for tuition of his life, by occaſion of any murther, robbery or other felony by the ſame perſon committed, and thereupon confeſs any murther, felony, or other offence before the Coroner, wherefore the ſame perſon by the Laws of this Realm heretofore uſed ſhould abjure and paſs out of the ſame: The ſame perſon thereupon ſhall abjure from all his liberty of this Realm, and from his liberal and free habitations, reſorts and paſſages to and fro the univerſal places of this Realm, which appertain to the liberty of the Kings Subjects undefamed, and ſhall forthwith be directed by the Coroner, taking and recording ſuch abjuration, to any one Sanctuarie being within this Realm, which the ſame perſon will elect and chooſe, there to remain as a ſanctuary perſon abjured, during his natural life, and to be ſworn afore the Coroner upon his abjuration ſo to do, and to be burned in the hand, according to the Statute in that caſe provided. And every ſuch perſon ſo abjured, ſhall be directed and conveyed to the ſame Sanctuary by him choſen, by the Conſtables and other Officers, and in every behalf ordained after the like manner and form as he ſhould have been in caſe he ſhould have abjured this Realm for any murther or felony after the Laws of the Land. And if after ſuch abjuration any perſon ſo abjured come out of the ſame Sanctuary to the which he was aſſigned, and be taken without the ſame Sanctuary, not having the Kings ſpecial pardon or licence ſo to do, then every ſuch perſon abjured, and after abjuration taken without Sanctuary whereunto he was aſſigned, ſhall ſuffer ſuch like pain of death, and after like manner be ordered, as he ſhould have done and been in caſe he had abjured this Realm for murther or felony, and after ſuch abjuration had returned again into this Realm, contrary to the Laws of this Land.

Any Perſon in Sanctuary, committing Felony *&c.* or leaving Sanctuary and committing Felony *&c.* and returning to that, or taking another, ſhall loſe the benefit of both;

— and be taken out of Sanctuary and committed to Gaol,

— and, being indicted, the Kings Attorney ſhall al-

II. And furthermore it is enacted, That if any ſuch Sanctuary-perſon ſo abjured, or any other perſon or perſons, which now be, or is, or hereafter ſhall happen to be, in any Sanctuary of this Realm, for doing any petty treaſon, murther or felony, or for being acceſſary to any ſuch offences: or if any perſon or perſons, which at any time hereafter ſhall take any Sanctuary of this Realm, for doing any petit treaſon, murther or felony, or for being acceſſary to any ſuch offences, or upon abjuration, and ſo being in Sanctuary for, or upon any ſuch cauſe, matter or offence, afterward commit or doe any petit treaſon, murther or felony within the ſame Sanctuary, or be acceſſary to any ſuch offences, or go out of the ſame Sanctuary, and commit any petty treaſon, murther, or felony, or be acceſſary to any ſuch offences, and after come again to the ſame Sanctuary, to take any other Sanctuary for the ſame; every ſuch perſon and perſons being indicted for any of the ſaid cauſes or offences, ſhall loſe the privilege of the ſame Sanctuary by him taken, and of every other Sanctuary within this Realm for any ſuch cauſe of petty treaſon, murther, felony or abjuration, and for any acceſſary to any ſuch offences: And that it ſhall be lawfull to all and ſingular Juſtices of the Peace, and the high Sheriff of the County, or other place where the Sanctuary is, and to all and ſingular Mayors, Sheriffs and Bailiffs of Cities and Towns corporate, where ſuch Sanctuary is, and to every of them, and to the ſervants, miniſters and officers, or any, or every of the ſame Juſtices of Peace, Sheriffs, Mayors and Bayliffs, in their preſence to take out of the ſame Sanctuary or Sanctuaries all and every ſuch Sanctuary-perſon or perſons ſo offending as is aforeſaid, and being indicted of the ſame; and to commit or put him or them into the Kings Gaol within the Shire or Liberty where any ſuch Indictment is found againſt any ſuch perſon, ſafely to be kept till they ſhall be of the ſame petty treaſon, murther or felony, or of the acceſſary to any ſuch offences (whereof they ſhall happen to be indicted) convicted, attainted, or diſcharged by the Law. And if any perſon or perſons which ſhall be indicted of any petit treaſon, murther or felony, or of any acceſſary to any ſuch offence, happen hereafter to be taken out

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ledge, that he had the privilege of Sanctuary before, and hath commited Felony &c. ſince;

out of any Sanctuary for the ſame, by authority of this Statute, and upon his or their arraignment plead Sanctuary, according to the order of the Law: then it is enacted by the Authority aforeſaid, That as well the King's Atturney, as every other perſon for the King, ſhall be admitted to object and alledge, that the perſon ſo arraigned, afore the doing of the offence or offences whereof he then is arraigned, did take privilege of Sanctuary in the ſame Sanctuary whereof he alledgeth him to be taken out, or in any other place privileged within this Realm, upon any abjuration, or for any other petty-treaſon, murther or felony, then whereof he is arraigned, and that he there had and enjoyed privilege of Sanctuary for the ſame, and that he ſo having once privilege of Sanctuary in the ſame, did commit the offence of petty treaſon, murther or felony whereof he then is arraigned: or that he went out of the ſaid Sanctuary, and committed the ſame offence whereof he is indicted and arraigned: and pray that ſuch perſons ſo arraigned may be excluded of reſtitution to the Sanctuary by him demanded. And in caſe the ſaid plea and objection ſo alledged, be denyed by the perſon ſo arraigned, then it is farther enacted by the Authority aforeſaid, that it ſhall be forthwith tried afore the ſame Juſtices, where ſuch perſon is ſo arraigned, and by the ſame Jurors of the ſame County that ſhall try the petty treaſon, murther or felony whereof he is arraigned, without farther delay, in whatſoever County or Counties, place or places of this Realm the ſame other taking of Sanctuary ſhall be alledged or objected to be done or had. And if the plea ſo objected againſt the ſaid perſon arraigned, be tried againſt him by verdict of twelve men, or by his own confeſſion, and alſo it be found by verdict of twelve men, or by his own confeſſion, according to the order of the Law, that he is guilty of the petty treaſon, murther, felony, or of any acceſſary to any ſuch offence whereof he is ſo arraigned; that then like judgment and execution ſhall be given and done upon every ſuch perſon as though he had been no ſanctuary-perſon, nor had claimed or required the privilege of the ſame. And if any ſuch perſon be lawfully acquitted of the petty treaſon, murther or felony whereof he ſhall be ſo indicted and arraigned, then he ſhall be reſtored to the ſame ſanctuary out of the which he was taken, there to have the privilege of the ſame, in like manner as he had before.

—and if the ſaid Plea be denied, it ſhall be forthwith tried by thoſe, who try the Felony;

—and, being found true, Judgment ſhall be given, as tho' he were no Sanctuary-Perſon;

—but, if acquitted, he ſhall be reſtored to Sanctuary.

III. Provided alway, That if any perſon being or abiding in any ſanctuary as a ſanctuary-perſon, hereafter ſhall happen to be indicted for any manner of felony ſuppoſed to be committed by him or her going out of the ſame, or any other ſanctuary, and committing the ſame felony whiles that he or ſhe ſo was a ſanctuary-perſon, he or ſhe being indicted of ſuch felony ſuppoſed to be done without the ſanctuary, ſhall not be taken out of the ſanctuary wherein the ſame perſon ſhall then be reſident, before that he or ſhe be examined thereof by two of the King's moſt honourable Council, or by four Juſtices of Peace of the Shire where the ſanctuary is, wherein the perſon ſo indicted is reſident, And if the ſame perſon ſo indicted within four days after the firſt examination do make ſuch proof as the ſaid Examiners by their diſcretions ſhall think ſufficient, that the ſame perſon was in the ſanctuary at the time of the ſaid felony committed: then he or ſhe making ſuch proof ſhall be ſuffered to remain and be in the ſame ſanctuary, without any extraction from the ſame, the ſaid Indictment or any thing in this Act above written notwithſtanding.

A Sanctuary-Perſon ſhall not be taken out, till examined by 2 of the Council, or 4 Juſtices;

—and, proving that he was (at the time of the Felony done,) in the Sanctuary, he ſhall remain there.

IV. Provided alſo, That if any perſon, which was at any time a ſanctuary-perſon for any pettit treaſon, murther or felony, obtain and have the King's pardon, and thereby, or otherwiſe, be at large and out of Sanctuary diſcharged, or purged of that offence, or cauſe, wherefore the ſame perſon took ſanctuary, and afterward do commit other petit treaſon, felony, or manſlaughter by chance-medley, and not murther of malice prepenſed, and thereupon again take ſanctuary for any ſuch petit treaſon, felony or manſlaughter by chance-medley: the ſame perſon ſhall have and enjoy the privilege of ſanctuary for that his or her other offence of petit treaſon, felony or manſlaughter by chance-medley, as the ſame perſon might have had before the making of this Act; any thing in the ſame Act contained notwithſtanding.

Perſons once pardoned by the K. may have the benefit of Sanctuary, a ſecond time.

V. And over this, for more ſpeedy trials of murthers and felonies, be it enacted by authority aforeſaid, That all manner of foreign pleas triable by the Country, hereafter to be pleaded by any perſon or perſons arraigned upon any indictment for any petit treaſon, murther or felony, ſhall be forthwith tried before the ſame Juſtices afore whom ſuch perſons ſhall be arraigned, and by the ſame Jurors of the ſame County that ſhall try the petit treaſon, murther or felony whereof he ſhall be ſo arraigned, without any farther reſpit or delay, in whatſoever County or Counties, place or places of this Realm, the matter of the ſame pleas be ſuppoſed or alledged.

Foreign Pleas ſhall be tried by Juſtices, and Jurors of the ſame County;

VI. And that no perſon arraigned for any petit treaſon, murther or felony, be from henceforth admitted to any peremptory challenge above the number of xx. This Act to endure to the end of the next Parliament.

—and there ſhall be no peremptory challenge above 20.

VII. Provided always, That no perſon or perſons be hereafter excluded, or in any wiſe hurted, to have and enjoy any privilege of Sanctuary for any offence or offences, being of any higher nature in the Law than the offences and cauſes ſpecified in this Act be: but that every perſon and perſons for ſuch offences of higher nature, may have and enjoy privilege of Sanctuary, in as free and liberal manner, and after ſuch form as they might have done by the Laws and Cuſtoms of the Realm afore the making of this Act, any thing in this Act to the contrary hereof notwithſtanding.

Proviſo, that Offences of a higher nature in Law, than Felony, &c. may ſtill have the privilege of Sanctuary.

A.D. 1536.

28 Henr. VIII. Cap. 1.

An Act that Abjurers in certain Caſes ſhall not have Clergy.

Recital of the foregoing Act, 22 *H.* 8. c. 14.

Where in the laſt Parliament begun and holden at London, the third day of November, in the one and twentieth year of the Kings moſt gracious Reign, and from thence adjourned to Weſtminſter, and there holden and continued by divers and ſundry prorogations, It was enacted, amongſt other things, That ſuch perſon and perſons which did flee or reſort to any Pariſh Church, Cemitory, or other like hallowed place for tuition of his life, by occaſion of any murder, robbery, or other felony by the ſame perſon committed, and thereupon confeſſed any murder, felony, or other offence before a Crowner, for the which the ſame perſon by the Law of this Realm afore that time uſed, ſhould abjure, and paſs out of this Realm, ſhall be directed by the Crowner to take his abjuration to any one ſanctuary being within this Realm, which the ſame perſon would elect and chuſe, there to remain as a ſanctuary man abjured, during his natural life: And if after ſuch abjuration, any perſon ſo abjured came out of the ſame ſanctuary to the which he was aſſigned, and be taken without the ſame ſanctuary, not having the Kings ſpecial pardon or licence ſo to do; that then every ſuch perſon abjured, and after abjuration taken without ſanctuary, whereunto he was aſſigned, ſhould ſuffer like pain of death, and after ſuch like manner ſhould be ordered, as he ſhould have done, and viden, in caſe he had abjured this Realm for murder or felony, and after ſuch abjuration had returned again into this Realm, contrary to the Laws of this Land: And it was further ordained by the ſame Act, that if any ſuch ſanctuary perſon ſo abjured, or any other perſon or perſons which then were, or at any time after ſhould happen to be in any Sanctuary of this Realm, for doing of any petty Treaſon, Murder, or Felony, or for being acceſſary to any ſuch offences; or if any perſon or perſons, which at any time after the making of the ſame Act, ſhould take any Sanctuary of this Realm, for any petty Treaſon, Murder, or Felony, or for being acceſſary to any ſuch offences, or upon abjuration; and ſo being in Sanctuary for any ſuch cauſe, matter, or offence, afterward commit any petty Treaſon, Murder, or Felony, within the ſame Sanctuary, or be acceſſary to any ſuch offences, or go out of the ſame Sanctuary and commit any petty Treaſon, Murder, or Felony, or be acceſſary to any ſuch offences, and afterward come again to the ſame Sanctuary, or take any other Sanctuary for the ſame: that every ſuch perſon and perſons, being indicted for any of the ſaid cauſes or offences, ſhould loſe the priviledge of the Sanctuary by him taken, and every other Sanctuary within this Realm, for any ſuch cauſe of petty treaſon, murder, felony, or abjuration, or for any acceſſary to any ſuch offences.

II. And it was further ordained by the ſame act, That all forrain Pleas triable by the Country, which ſhould be pleaded by any perſon or perſons arraigned upon any indictment for any petty Treaſon, Murder, or Felony, ſhould be tried before the ſame Juſtices, afore whom ſuch perſons ſhould be arraigned, and by the ſame Jurors of the County, that ſhall try the petty Treaſon, Murder, or Felony, withont any further reſpect or delay: and that no perſon arraigned for any petty Treaſon, Murder, or Felony, ſhould be admitted to any peremptory challenge above the number of xx. which Act was made to endure to the end of the next Parliament, as by the ſaid Act amongſt divers clauſes and proviſions contained in the ſame, more plainly is expreſſed. ---- Foraſmuch as the ſaid Act is beneficial and profitable for the Commonwealth of this Realm; Be it therefore enacted by Authority of this preſent Parliament, that the ſaid Acts, and every of them, and all Clauſes and Proviſions contained in the ſame, ſhall ſtand in full ſtrength and virtue, and from henceforth to continue and indure unto the laſt day of the next Parliament.

—which ſhall be continued till the laſt day of the next Parliament.

A.D. 1541.

32 Henr. VIII. Cap. 3.

For the continuation of certain Acts.

The foregoing Act, 22 *H.* 8. c. 14.

Where in the laſt Parliament begun and holden at London, the third day of November, in the xxj. year of the Kings moſt gracious Reign, and from thence adjourned to Weſtminſter, and there holden and continued by ſundry prorogations,

II. It was enacted, among other things, That all foreign Pleas triable by the Countrey, which ſhould be pleaded by any perſon or perſons arraigned upon any indictment for any petty Treaſon, Murther or Felony, ſhould be tried before the ſame Juſtices afore whom ſuch perſons ſhould be arraigned, and by the ſame Jurors of the County that ſhall try the petty Treaſon, Murther or Felony, without any farther reſpite or delay: And that no perſon or perſons arraigned for any petty Treaſon, Murther or Felony, ſhall be admitted to any peremptory challenge, above the number of xx. which Act was made to endure to the end of the next Parliament, as by the ſaid Act, amongſt divers clauſes and proviſions contained in the ſame, more plainly is expreſſed. ------ Foraſmuch as ------ the ſaid Act abovementioned is good and beneficial for the Commonwealth of this Realm: Be it therefore Enacted and Ordained by the Authority of this preſent Parliament, that the ſaid Act ----- and all Clauſes, Articles and Proviſions therein contained, ſhall continue and indure in their Force and Strength, and be obſerved and kept for ever.

—ſhall be perpetual.

Privilege of Sanctuary Reſtrained, and Abjurations regulated.

A.D 1535.

27 Henr. VIII. Cap. 19.

An Act limiting an order for Sanctuaries, and Sanctuary perſons.

Where upon truſt of Sanctuaries, and the licentious liberties that heretofore have beene and yet daily be uſed in the ſame, divers perſons have beene the more bold to perpetrat and commit many deteſtable murders, rapes, robberies, thefts, and other miſchievous, deteſtable and abominable deeds, for that they have been alwayes relieved, aided and ſuccoured by the Sanctuaries, whenſoever, and as oft as they or any of them have offended in any of the premiſſes, to the moſt grievous diſpleaſure of Almightie God, and extreame detriment, and hurt of the Kings ſubjects: In avoyding of ſuch preſumtious boldnes it is enacted, ordeined and eſtabliſhed by the King our ſoveraigne Lord, with the aſſent of his Lords ſpirituall and temporall, and the Commons in this preſent Parliament aſſembled, and by authoritie of the ſame, that all and ſingular perſon or perſons, which now be, or at any time hereafter ſhall be priviledged in any Sanctuary, within any of the Kings Dominions, for Murder or Felonie, from the firſt day of May next coming, ſhal daily, whenſoever he or they be without the houſe or manſion, wherein they have their lodging, wear a badge or cognizance, by the governor of every Sanctuary to be aſſigned and appointed, openly upon their upper garment, of the compaſſe in length and breadth of tenne inches; upon peine that they and every of them, whenſoever, and as often as any of them being out of the ſaid houſe or manſion, wherein he hath his ſaid Lodging, ſhall be found and taken without the ſame badge or cognizance, cleerely to loſe and forfeit his or their priviledge and advantage of Sanctuary. And that it ſhall be lawfull to all and ſingular the Kings ſubjects to apprehend and take every ſuch offendor and offendors, being without his badge or cognizance, as aforeſaid, and him to bring out of the Sanctuary into the next gaole, there to remaine unto the next gaole-deliverie, and then to be tryed according to the due courſe and order of the Law, as though he had never beene priviledged in any ſuch Sanctuary.

Sanctuaries being a great encouragement to Murders, Rapes, robberies, *&c.*

Enacted, that, —Every Sanctuary perſon ſhall wear a badge on the upper garment;

—and, being found out of the houſe without it, ſhall loſe the privilege of Sanctuary, and be committed to Gaol, and tried.

II. And alſo be it enacted by the authoritie aforeſaid, that no manner of the ſaid priviledged perſons, at any time hereafter, beare, occupie or weare upon them any manner of ſword, knife or other weapon, other then their meat knives, and the ſame meat knives but at their meales onely, upon peine, as is above rehearſed.

Sanctuary-perſons ſhall not wear Weapons;

III. Furthermore be it enacted by the ſaid authoritie, that if any of the ſaid priviledged perſons at any time after the ſaid firſt day of May, fortune to be founde, apprehended or taken out of his or their lodging, before the Sunne riſing in the morning, or after the Sunne going downe in the evening; the ſame priviledged perſon ſo found, apprehended or taken, ſhall, at the firſt time for his ſo offending, ſuffer impriſonment within the ſame Sanctuary by the ſpace of two daies, and at the ſecond to have impriſonment by the ſpace of ſixe dayes, and at the third time that he ſhall be ſo found, apprehended, or taken out of his ſaid lodging, contrary to the order before mentioned, and the ſame being ſubſtantially proved by indifferent proofes thereof to bee made before the Lord Chancellor of England for the time being, to forfeit and looſe his or their priviledge of Sanctuary.

—nor be found out of their Lodging, before Sun-riſing, or after Sun ſet,

IV. Alſo be it further enacted by the ſaid authoritie, that if any manner of Sanctuary-perſon or perſons of prepenſed malice at any time hereafter doe reſcue or reſiſt any of the governours aforeſaid, or their deputies, in executing of their office, in taking and impriſoning of any of the perſons priviledged, offending contrary to the tenor of this Act, that then he or they that ſhall fortune to make reſcues, ſhall be hereafter taken out of Sanctuary, and to ſuffer, and be tryed as felons in every thing.

—nor reſiſt the Governour in the Execution of his Office:

—and doing any of the ſaid offences, they ſhall loſe the privilege of Sanctuary.

V. And over that, be it enacted by Authoritie aforeſaid, that all manner of contracts of debt under fortie ſhillings, treſpaſſes and covenants, that at any time hereafter ſhall happen to be made, or grow within any of the ſaid Sanctuaries, between any of the ſaid priviledged perſon or perſons and other inhabitants within any ſuch Sanctuary, that the governour or their deputie of any of the ſame Sanctuaries, where any ſuch contract, treſpaſſe or covenant ſhall fortune to be made, grow, or be, as is aforeſaid, ſhall have full power and authoritie by this preſent Act, to order, judge, and determine the ſame, according as it ſhall be duely there proved afore the ſaid governour or governours.

Debts, and treſpaſſes within the Sanctuary, between Sanctuary-perſons and others, ſhall be determined by the Governour.

A.D.1541.

32 Henr. VIII. Cap. 12.

An Act concerning Sanctuaries, Privilege of Churches, and Church-yards.

THE King's moſt Royal Majeſty, calling to his moſt bleſſed remembrance, how that many idle and evil diſpoſed perſons within this his Realme and in other his Graces dominions, nothing regarding the fear of God, nor the puniſhment of the Kings Laws, heretofore have done, and doe daily commit and perpetrate wilfully, as well great, ſundry, and deteſtable murders, robberies, and alſo other great and heinous offences to the great diſpleaſure of almightie God, to the ſubverſion of all good and politicke order; whereunto ſuch malefactors are partly inſtigated and mooved, and the more bold and willing ſo to offend by certeine licentious priviledges and other liberties heretofore granted to divers places and territories within this Realme, commonly called Sanctuaries, to which ſuch wilfull offendors heretofore have had refuge and tuition of their lives and bodies, after the ſaid miſchievous offences perpetrated and done, from the juſt and condigne puniſhment of his graces Lawes, both contrary to the expreſſe word of God, and the common tranquilitie of this his graces Realme and the publike wealth and ſuretie of the

Sanctuaries, being an encouragement to Murders, Robberies, *&c.*

Privilege of Sanctuary Reſtrained, and Abjurations regulated.

—and thereupon, very neceſſary to be regulated, tho' not extinguiſhed;

ſame; Wherefore his grace of his accuſtomed goodneſſe, neither minding the incouraging nor continuall mainteining of ſuch miſchievous and wilfull malefactours and offenders, neither again the utter aboliſhment and extinguiſhment of all Sanctuaries, and the priviledges of the ſame, very expedient and convenient to be had and continued in every commonwealth, by the law of mercie, for ſome cauſes and offences:

Enacted, that, —All Sanctuaries, (except Churches, Church-yards, Hoſpitals, and Chapels; and places hereafter to be declared) ſhall be utterly extinguiſhed.

II. The Kings highnes is contented and pleaſed, that it be enacted by his highnes with the aſſent of the Lords ſpirituall and temporall, and the commons in this preſent Parliament aſſembled, and by authoritie of the ſame, that all manner of Sanctuaries and places priviledged, which heretofore have been uſed, reputed or taken for any maner of Sanctuary, except pariſh Churches, and their Churchyards, Cathedral Churches, Hoſpitals, and Churches Collegiat, and all Chapels dedicated and uſed as pariſh Churches, and the Sanctuaries to them and every of them belonging, and except ſuch places and territories as hereafter ſhal be declared, appointed, and named, to be places of tuition and priviledge by this preſent Act, ſhall be utterly extinguiſhed, adnulled, voyd, and of none effect, for any ſuch libertie or priviledge of Sanctuaries, to all purpoſes and intents. Any Lawes, licences, ſtatutes, cuſtomes, priviledges, preſcriptions, allowances, or any other thing or things heretofore uſed or admitted to the contrary notwithſtanding.

Places of Sanctuary, ſhall be *Wells*, *Weſtminſter*, *Mancheſter*, *Northampton*, *Norwick*, *York*, *Darby*, *Lanceſton*.

III. And furthermore, the Kings royal Majeſtie of his accuſtomed goodneſſe, mercie, and benignitie, is pleaſed and contented that it be enacted by authoritie of this preſent Parliament, that from henceforth theſe places and territories hereafter expreſſed and declared, that is to ſay, Wells in the County of Summerſet, Weſtminſter, Mancheſter, Northampton, Norwich, Yorke, Darbie, and Lanceſton, ſhal be from henceforth admitted, allowed and taken to be places of priviledge and tuition for terme of life, of and for all and ſinguler offendours and malefactours, of whatſoever qualitie, kinde, or natures all and every their offences bee or ſhall bee; for the which their ſaid offences and crimes, the peines and puniſhment of death ſhould inſue by the Statutes, Lawes and Cuſtomes of this Realme, other then ſuch as hereafter by this preſent Act be excepted and foreprized: that is to ſay, that it be enacted by the authoritie aforeſaid, that from henceforth the ſaid Pariſh Churches or Church-yards, Cathedral Churches, Hoſpitals, Churches Collegiat, and all other Chapels dedicated, or uſed as Pariſh Churches, nor any of them, nor the cemitories to them or any of them belonging, nor the ſaid places and territories before in this preſent Act rehearſed and declared for places of refuge and tuition, ſhall not in any wiſe extend to give any manner tuition, defence, immunitie, libertie, or priviledge to any manner of perſon or perſons, which at any time hereafter ſhall perpetrat, commit, or doe, any manner of wilfull murder, or which ſhall commit or doe any raviſhment of or to any woman, or which ſhall commit any manner of Burglarie, or which ſhall commit or doe any manner of robberie in the high way, or neere unto the ſame, or to any perſon which ſhall commit or doe any robberie in any houſe, putting the owner, his wife, children, ſervants, or any other within the ſame in feare of life: And alſo excepted and foreprized all felonious burning of houſes or barnes with corne, and alſo robberies of Churches, Chapels, or other hallowed places: And alſo foreprized and excepted all and ſingular abbetters, procurers, and counſellors to any the foreſaid offences before ſpecified and excepted, before the ſaid offences committed and done: And alſo excepted and foreprized all other offendours committing or perpetrating any offences where Sanctuarie or Clergie is not allowable by the Lawes of this Realme, or where Sanctuary or Clergie is taken away by any former Statute or Law.

Privilege of Sanctuary ſhall not extend,
—to wilful Murder,
—nor to raviſhment of Women,
—nor to Burglary,
—nor to robbery in the high-way, or houſe, or of Churches and Chapels,
—nor to burning of houſes, or barns,
—nor to any abetters of the foreſaid Offenders.

Perſons, taking Sanctuary in a Church, *&c.* and not guilty of any of the ſaid Offences,

IV. And be it further enacted by authoritie aforeſaid, that if at any time hereafter any perſon or perſons doe take any refuge or ſanctuary in any pariſh Church or Churchyard, Cathedral Church, Hoſpital, Church Collegiat, or other Chappell dedicate, commonly uſed as Pariſh Churches, or in the cemitory to any of them belonging, for any offence, other then ſuch as be excepted and forepriſed by this Act; that then the ſaid perſon or perſons, ſo taking Sanctuary and refuge, ſhal and may abide and remain there by the ſpace of xl. daies, as hath bin heretofore uſed, uſing himſelfe in all points according to the lawes and Statutes of the Realm, unleſſe the Coroner in the meane time repaire unto him for the taking of his abjuration, in which caſe upon repaire of the ſaid Coroner, he ſhal and may abjure after the lawes and ſtatutes of this Realme, to any of the ſaid territories and priviledged places before named not being full of the number, as hereafter to every of the ſaid places by this Act ſhal be appointed, there to abide and remain during his life; uſing himſelfe in ſuch like order, conviction and faſhion in all things and points as heretofore hath been ordered and appointed by the ſtatutes and lawes of this Realme, for and concerning the good order of ſanctuary perſons to bee obſerved, uſed, and kept within priviledged ſanctuaries; or elſe to loſe the benefits of their ſaid priviledge, and upon the penalties compriſed in the ſaid ſtatutes.

—may abjure to any of the forementioned Priviledged Places, to remain during life, under the orders thereof.

The Coroner refuſing to come, in convenient time, to take Abjurations, ſhall forfeit 5 *l.*

V. And it is further enacted, that if the Coroner of the ſhire or place, where any perſon or perſons ſhall take any refuge or ſanctuary in any of the ſaid Churches or Churchyards, Cathedrall Churches, Hoſpitals, Churches Collegiat, Chappels dedicate, commonly uſed as Pariſh Churches, or any cemitories to them or any of them belonging, upon reaſonable requeſt to him made, doe refuſe to come in convenient time unto ſuch perſon being in Sanctuary, as is aforeſaid, there to take his confeſſion and abjuration, according to the lawes of this Realme; that then the ſaid Coroner for every ſuch default ſhall loſe and forfeit to our ſovereigne Lord the King C. s.

Commiſſioners under the great Seal, ſhall mark the bounds of every of the ſaid priviledged Places.

VI. And be it further enacted by the authority aforeſaid, that the Chancellor of England for the time being, within the ſpace of one yeere next following, ſhall have power and authority by this Act, to award ſeverall commiſſions under the Kings great Seale of England, unto ſuch diſcreet perſons as he ſhall thinke meet by his diſcretion to make perambulations, and to appoint, ſet forth, and limit certainely how farre and where the bounds and limits of every of the ſaid priviledged places and territories before rehearſed ſhall extend, and that the ſame bounds and limits ſo by the ſaid commiſſioners to be ſet forth, limited and appointed, ſhall bee returned under the ſeales of the ſaid Commiſſioners into the Kinges Court of Chancery, there to remaine of record for the certain knowledge of the bounds and limits of the ſaid priviledged places and territories.

tories. And that after the ſame limitations ſo to bee made and returned, the ſaide priviledged places appointed by this Act, ſhall ſerve and be allowed onely within the ſame limits and bounds ſo returned, and not elſewhere, within the reſidue of the Citie or Towne where ſuch limits ſhall bee appointed.

Governours of priviledged Places ſhall call over the names of the Sanctuary-perſons every day,

—and any perſon making default for 3 days, ſhall forfeit the privilege ;

—and ſo alſo, if he commit any Felony, for which death ſhould enſue.

VII. And further be it enacted by the authoritie aforeſaid, that in every the ſaid priviledged places and territories, the officer or governor of the ſaid priviledged place and territorie, by the Kings highneſs to be appointed, and every of them, for the good governance and odering of the ſame places and territories, ſhall daily call or cauſe to be called, by himſelfe or his deputy, all and every of the ſaid priviledged perſons in every of the ſaid places and territories by their names, and if any of the ſaid priviledged perſons doe make default iii. ſeveral days together, and doe not perſonally appeare at any of the ſaid three daies, having no lawful excuſe to the contrary, that then every ſuch priviledged perſon, making default of his appearance as is aforeſaid, ſhall loſe and forfeit the priviledge of all and every of the ſaid priviledged places and territories: Any thing in this Act to the contrary notwithſtanding. And further it is enacted, that if any of the ſaid abjured or priviledged perſons, within the time he ſhall be in any of the ſaid priviledged places or territories, as a priviledged man, fortune to commit, perpetrate, or doe any maner of felony or other offences, for the which the penaltie of death ſhould inſue by the lawes and ſtatutes of this Realme; that then every ſuch offendour ſhall for ever loſe the benefit and priviledge aſwell of the ſaide place, as all other priviledged places and ſanctuaries before named; any thing in this Act to the contrary notwithſtanding.

No Priviledged Place ſhall have above 20 perſons, at any one time; which ſhall be regiſtred;

—and any abjured perſon being brought, the Regiſter ſhall be ſhewed,

—and if the number is full, the Conſtables ſhall be obliged to carry him to the next adjoyning,

—with a Certificate from the Governour, of his being refuſed in the firſt.

VIII. And it is further enacted by the authority aforeſaid, that there ſhall not be at any one time above the number of xx. of the ſaid priviledged perſons hereafter to be admitted and received into any one of the ſaide priviledged places and territories aforeſaid. And that if any perſon hereafter doe abjure to any of the ſaid priviledged places and territories, according to the purvey of this Act, the perſon ſo abjuring ſhal be uſed, conducted, conveied and brought from Conſtable to Conſtable, directly, according to the order of the lawes heeretofore uſed for the conducting of abjured perſons to their ports after their abjurations, untill ſuch time as the perſon ſo abjuring, be brought to the governour of the ſaid priviledged place whereto he ſhal be ſo abjured, or to his deputy: And if at the bringing thither of the ſaide abjured perſon, it ſhall appeare and be truely declared by the regiſter there, to be kept of the names of the ſaid priviledged perſons then being in the ſaid priviledged place, that the ſaid priviledged place is then ful of his ſaid number of the ſaid priviledged perſons, being then there lawfully priviledged, according to the purvey of this Act; then the ſaid governor of the ſaid priviledged place, or his deputie, ſhall declare and ſhew unto the ſame abjured perſon, ſo being brought thither, and to the ſaid officer that bringeth and conducteth him thither, that the ſaid abjured perſon may not be there received, for that the ſaid priviledged place is then already full of his ſaid number, and thereupon ſhall command the ſaid Conſtable or other officer to conduct, lead and deliver the ſaid abjured perſon to the Conſtable or other officer or officers of the next towne adjoyning to the ſaid priviledged place, leading directly towards the next of the ſaide other priviledged places or territories, and the ſame abjured perſon ſo to be delivered from Conſtable to Conſtable, officer or officers of every towneſhip, tending toward the ſame next priviledged place, unto ſuch time as the ſame perſon be thither conducted, and there delivered to remaine as aforeſaid. And that the governor of the ſaide priviledged place, where ſuch refuſal was had, or his deputy, ſhall make an entrie in the ſaid regiſter of the whole matter, that is to ſay, what day and yeere the ſaide abjured perſon was brought thither unto him, and by what officer, and for what cauſe hee did refuſe the receiving of him, and to which of the other ſaid priviledged places the ſaid abjured perſon was from thence appointed to be brought and conveyed, and ſhall, before the departure of the ſaid abjured perſon, deliver to him a true Copy of the ſaid entrie, to the intent he may deliver the ſame to the governour of the ſaid other priviledged place, to the which he ſhall be conducted and brought, or to his deputie. And that the ſaid governour of that ſame Priviledged Place, if that ſame Place be not then full of his Number as is afore rehearſed, ſhall receive the ſame abjured Perſon upon the ſight of his ſaid bill, there to remaine during his life as a Priviledged Perſon; according to the Purvey of this Statute. And that like order and faſhion be always obſerved and kept for the conducting and conveying of all abjured Perſons from every of the ſaid priviledged Places, being full of the ſaide number, at the time of the bringing thither any ſuch abjured Perſon, to the next other of the ſaid Places, until ſuch time as the ſaid abjured Perſon be received into one of the ſaid priviledged Places not having his full number, according to the Purvey of this Act. And that every governor of the ſaid priviledged Places being negligent and not doing his duty according to the Purvey of this Act, and every Conſtable and other of the Kinges Officers, refuſing to receive or conduct ſuch abjured Perſon as is aforeſaid, ſhall forfeit and loſe to our Sovereigne Lord the King, for every of their defaults in that behalfe fortie ſhillings.

Any Governour or Conſtable, offending, ſhall forfeit 40 s.

Priviledge taken before this Act in other places, ſhall continue the ſame, as before.

IX. Provided always, that this Act or any thing therein conteined, ſhall not extend or be taken to miniſh or appaire, or to augment or inforce the Priviledge or libertie, which any Perſon or Perſons have already taken, claimed, or obteined in any Place or Places within this Realme heretofore uſed, allowed, or admitted for Places of Sanctuary, Priviledge or tuition, but the ſame to ſtand for them in like force and effect, neither better nor worſe, then it was before the making of this Act; any thing herein conteined to the contrary hereof notwithſtanding.

Privilege of Sanctuary Reſtrained, and Abjurations regulated.

A.D. 1550.

1 Edw. VI. Cap. 12.

No Perſon robbing Church or Chapel, ſhall have priviledge of Clergy, or Sanctuary.

§. X. And it is further Ordained and Enacted by the Authority aforeſaid, That noe perſon or perſons, that heeretofore hath been, or at any time hereafter ſhall be, in due form of the Laws, attainted or convicted —— of felonious taking of any Goods out of any Pariſh-Church or Chapel —— ſhall be admitted to have or enjoy the priviledge or benefit of his Clergy or Sanctuary.

CAP. III.

Privilege of Sanctuary ABOLISHED.

Privilege of Sanctuary Aboliſhed.

A.D. 1541.

32 Henr. VIII. Cap. 20.

In an Act, Entituled, *Concerning Privileges and Franchiſes.*

Liberties, Privileges, &c. belonging to religious Houſes, ſhall be enjoyed by the Lay-poſſeſſors,

—except Sanctuaries, Churches, and Churchyards.

IV. Provided always, and be it enacted, That all and ſingular perſons, and bodies politick, and the heirs, ſucceſſors and aſſigns of every of them, ſhall have, hold, uſe, execute and exerciſe as well by themſelves, their officers, ſervants, and miniſters, as by and for their tenants, fermors, and reſiants, all and ſingular liberties, priviledges and franchiſes which they or any of them now have, by or from the Kings Majeſty, by any Letters Patents, Indentures, writings under any his Highneſs ſeal, or by authority of Parliament, or otherwiſe, or by the lawful grant, or leaſe of any perſon or perſons, or by any other means, or lawful title, in as large, ample and beneficial manner, to all intents, reſpects and purpoſes, as they or any of them now have, or of right ought to have the ſaid liberties, franchiſes and priviledges, or any of them, and as though this Act had never been had, ne made: any thing above written notwithſtanding (the priviledges of Sanctuaries, Church, Church-yards, or cemitories for tuition of tranſgreſſors and offendors only excepted.)

A.D. 1541.

32 Hen. VIII. Cap. 24.

In an Act, Entituled, *An Act concerning the Poſſeſſions of St.* John *of* Jeruſalem, *&c.*

Sanctuaries belonging to St. *Johns* of *Jeruſalem* ſhall be void,

—except Churches, and Churchyards.

XII. Provided alſo, and be it enacted by the authoritie aforeſayd, that all Priviledges of Sanctuaries heretofore uſed or claimed in manſion houſes and other places commonly called Saint Johns hold, and all other Sanctuaries heretofore uſed in any place within this Realme, or in Ireland, which heretofore hath been belonging to any of the ſaid Hoſpitals, ſhall ſtand and be utterly void and of none effect, for or concerning any Sanctuary, Priviledges of Sanctuarie, there to be had or uſed. The Priviledges of common Churches and Churchyards, applied and uſed to Gods ſervice, and burials of Chriſtian People, onely excepted.

A.D. 1603.

1 Jac. I. Cap. 25.

In an Act, Entituled, *An Act for continuing and reviving of divers Statutes, and for repealing of ſome others.*

Repeal of all Statutes concerning Sanctuary-perſons, made before the 35 *Eliz.*

XXXIV. And be it alſo enacted by the authority of this preſent Parliament, That ſo much of all Statutes as concerneth abjured perſons, and ſanctuaries, or ordering or governing of perſons abjured or in ſanctuaries, made before the xxxv. year of the late Queen Elizabeths Reign, ſhall alſo ſtand repealed and be void.

Privilege of Sanctuary Aboliſhed.

A.D.1623.

21 Jac. I. Cap. 28.

In an Act, Entituled, *An Act for continuing and reviving of divers Statutes, and for repealing of ſome others.*

§. VI. And be it further enacted by the authority aforeſaid, That all Statutes heretofore made, that take away Sanctuary for any offence, ſhall, for ſo much as concerneth the taking away of Sanctuary, be revived, and ſhall be and ſtand in force and power: any words of repeal contained in the ſtatute made in the firſt Seſſion of Parliament, held in the firſt year of his Majeſties Reign of England, intituled, an act for continuing and reviving divers ſtatutes, and for repealing of ſome others, or any thing in this preſent Act to the contrary notwithſtanding.

All Statutes, to take away Sanctuary, ſhall be revived.

VII. And be it alſo enacted by the authority of this preſent Parliament, That no Sanctuary, or priviledge of Sanctuary, ſhall be hereafter admitted or allowed in any caſe.

Privilege of Sanctuary ſhall not be allowed in any caſe.

TIT. LI.

The State and Condition of RELIGIOUS HOUSES and PERSONS.

THE CONTENTS.

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Cap. VIII. CONSTITUTIONS *of the Religious.*

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Cap. X. PROTECTIONS, *and* DISCHARGES *from* IMPOSITIONS, *granted to Religious Eſtates, and Houſes.*

CAP. I.

FOUNDATION *and* PATRONAGE *of Religious Houſes.*

EDMUNDUS.

A.D. 1236. 21 H. 3.

Religioſi novi qui ſibi Domum, Hoſpitale, aut Xenodochium conſtruunt, à loci Ordinario regulam vivendi accipiant. Anachoritæ non fiant ſine ſpeciali Epiſcopi approbatione; nec facti, Sæcularibus hoſpitia ſine honeſta cauſa præbeant.

Any Perſon founding a Religious Houſe, ſhall take the Rule, and Inſtitution, from the Ordinary, — without whoſe Licence alſo there ſhall be no Anchorites;

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Lyndw. Edit. Oxon. p. 214.

* MS. Æton. *Nimia.*

QUoniam Religionum * imminens [a] diverſitas gravem in Eccleſia Dei confuſionem inducit, Præcipimus, quòd qui volunt [b] domum, Hoſpitale, ſeu Xenodochium fundare de novo, [c] Regulam & [d] Inſtitutionem à loci Ordinario accipiant, ſecundùm quam vivant Regulariter & Religioſè. Ad hæc, diſtrictiùs Inhibemus, ne [e] incluſi vel incluſæ conſtituantur alicubi ſine licentia loci Diœceſani ſpecia-

[a] Diverſitas] *Hæc Diverſitas attendi debet, ſecundùm diverſitatem Regularium* Habituum, *&* Sectarum. Lyndw.

[b] Domum] *Supple Religioſam, id eſt, Monaſterium.* Lyndw.

[c] Regulam] *Secundùm quam ibi inſtituendi vivere debent.* Lyndw.

[d] Inſtitutionem] *i. e. Ordinationem quoad Statuta.* Lyndw.

[e] Incluſi] *Intellige de* ſingulariter *Incluſis, quales ſunt apud nos* Anachoritæ: *nam de* communiter *Incluſis, quales ſunt vel eſſe debent omnes Moniales, non debet hoc intelligi.* Lyndw.

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li, penſatis [f] loci moribus, & perſonarum qualitate, & unde debeant ſuſtentari.

In domibus etiam [g] eorum, Perſonæ ſæculares nullatenus hoſpitentur, ſine cauſa honeſta & manifeſta.

—nor ſhall Seculars dwell with them.

[f] Loci] *An ſit alicui Eccleſiæ propinquus*; —— *an ſit in urbe vel in rure*; *quia tali Incluſo, in ſuis Neceſſitatibus citiùs provideretur in Urbe, ubi eſt multitudo Populi, quàm in Rure*; —— *an ſit prope aliquod Monaſterium, ex cujus Eleemoſynâ poſſit ſic incluſus Suſtentari.* Lyndw.

[g] Eorum] *Scil. Incluſorum.* Lyndw.

A.D. 1225.

9 Henr. III. Cap. 33.

Patrons of Abbies ſhall have the Cuſtody of them in the time of Vacation.

ALL Patrons of Abbies which have King's Charters of England of Advowſon, or have old tenure or poſſeſſion in the ſame, ſhall have the cuſtody of them when they fall void, as it hath been accuſtomed, and as it is afore declared.

Patrons of Abbies by Royal Charter, or old Tenure, ſhall have the Cuſtody, when they fall void.

A.D. 1285.

13 Edw. I. Cap. 41.

Concerning the Kings Marſhals of fee, Chamberlaines, Porters in the circuite of Juſtices, and Serjeants bearing vierge before Juſtices at Weſtminſter, which have the ſame office in fee, and that aske more by reaſon of their fee then they have uſed to aske, whereupon many doe complaine on them, that have knowen and ſeene the order of the Court of long time: Our Sovereigne Lord the King hath cauſed to be inquired by an Inqueſt, what the ſaid Officers of Fee have uſed to have in times paſſed, and hath ordained and commanded, that a Marſhal of Fee, ------ of Abbots and Priours, holding an whole Baronie, when they doe homage or fealtie for their Baronies, ſhall take one palfray, or the price as afore is ſaid, and this ſhall alſo be obſerved amongſt Archbiſhops, and Biſhops: of ſuch as hold but a part of a Baronie, whether they be Religious or ſecular, hee ſhall take according to the portion of the part of the Baronie that they hold: Of religious men that holde in free almes, and not by a Baronie, nor part of a Baronie, the Marſhall from henceforth ſhall demand nothing. And our Soveraigne Lord the King hath granted, that by this Eſtatute a Marſhall of Fee ſhall not be barred heereafter to demaund more, if he can ſhewe that he hath right unto more. The Kings Chamberlaines from henceforth ſhall have of Archbiſhops, Biſhops, Abbots, Priours, and other perſons ſpirituall, of Earles and Barons, holding an entire Baronie, a reaſonable fine, when they doe their homage or fealtie. And if they hold by a part of a Baronie, they ſhall take a reaſonable fine according to the portion to them belonging. Other Abbots, Priours, perſons ſpirituall and temporall, that hold no entire Baronie, nor part of a Baronie, ſhall not be diſtrained to make fine, as it is ſaid by them that hold by a Baronie, or part of a Baronie, but the Chamberlaine ſhal be contented with his upper garment, or with the price thereof; which is done in favour of perſons religious, more then of Lay perſons; for it is more convenient that religious men ſhould fine for their upper garment, then to be ſtripped.

Fees to be taken by the King's Marſhal, *&c.* at the Homage,
—of Abbots and Priors, holding one Barony, one Palfray;
—and ſo of others, Religious and Secular, according to the Baronie, or Portion of it.
Religious holding by Free-Alms, ſhall pay nothing.
The Chamberlains Fees ſhall be according to the ſame proportions;
—and from thoſe who have not a whole Baronie, the upper garment, or price of it.

A.D. 1385.

9 Ric. II. Cap. 4.

Item, Whereas a plea is moved betwixt partie and partie in the Kings Court, which doe deſcend to an iſſue upon ſuch point, that is to ſay, if the matter being in plea, touch any [h] Priour, be he perpetuall, or dative and removeable at the will of his Abbot Sovereigne, the one of the Parties will alleadge in declaration of ſuch Perpetuitie, that ſuch Priour was preſented by his Sovereigne to the ordinarie, and by him received, inſtituted, and inducted: It is ordained and ſtabliſhed, that in ſuch caſe, when the Partie deſcendeth to ſuch iſſue, that a Writ be ſent to the ordinary of the Place, to certifie if ſuch Priour be perpetuall or dative and removable, as before, and that the matter be judged according to the certification, and that this Statute be of force betwixt the Parties, as well where ſuch Priour is not Partie, as where he is Partie, and as well in Pleas hanging, as in Pleas hereafter to be commenced.

If the point be, whether a Priour be perpetual, or dative and removeable,
—a Writ ſhall be ſent to the Ordinary to certify.

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[h] Prior] There were two ſorts of Priors, *Conventual* and *Clauſtral*: The firſt were they, who are mentioned in the two Conſtitutions of *Othobon* (*Ad hæc*, and, *Statuimus Inſuper*;) and who are there called, *Priores, proprios* Abbates *non habentes*; and by *Lyndwood*, *Qui æquipollent Abbati*, as being choſen by the Convent, and the Chief Governours therein. Of this ſort, were the Cathedral Priors, and moſt of thoſe of the Order of St. *Auſtin*. The ſecond (who in the Conſtitution of *Othobon*, c. *De Infirmis*, is called *Prior Clauſtralis*) was he, who under the Abbot, and in his Abſence, had the chief Care of the Houſe, and was removeable at the Will of the Abbot.

De Stat. Reg. c. Omnem. v. *Prioris.*

Beſides which, there were a third ſort, termed *Priors*; namely, they who preſided over Cells ſubordinate to ſome great Abbie, and who were placed and diſplaced at the Pleaſure of the Abbot Soveraign. Of this number, were the *Priories Alien*, which were Convents erected by foreign Monaſteries, in Places where they had Manours or Tythes beſtowed on them in *England*, and by them ſtocked with Monks out of their own Houſes; who took care of their Revenues, and were *accountable* to them.

CAP. II.

ADMISSION, PROBATION, *and* PROFESSION, *in Religious Houſes.*

STEPHANUS.

A.D.1222, 6 *H.* 3.

Admiſſion, Probation, and Profeſſion, in Religious Houſes.

Nemo ante xviij. annum Monachatum, ſine neceſſitate, aut evidenti utilitate, profiteatur.

Monks ſhall not be received, under 18 years.

QUIA verò nonnunquàm, & *infrà.* Monachi infrà *a* 18. annum non recipiantur, niſi urgens vel evidens neceſſitas, vel utilitas aliud inducat.

a 18. Annum] *Extra. de Regular. l.*3. *c.*6. *Quia in* Inſulis *dura eſt congregatio Monachorum, Pueros in eorum Monaſteriis ante decimum octavum annum Suſcipi prohibemus.* Et Gloſſ. *Hoc ſpeciale eſt, propter* aſperitatem *Locorum; aliàs regulare eſt, quòd, poſt tempus* Pubertatis, *tam maſculi quàm fœminæ poſſunt Profiteri.*

Lyndw. Edit. Oxon. p. 202.

EDMUNDUS.

A.D.1236. 21 *H.* 3.

Admoneatur populus non facere vota ſine matura deliberatione, nec mulieres ſine maritorum conſenſu, & Sacerdotum conſilio.

Vows ſhall be made, with deliberation, and conſent.

PRæcipimus, ut Sacerdotes ſæpe moneant populum, & maximè mulieres, ne faciant Vota ſua niſi cum deliberatione, & de conſenſu Virorum ſuorum, & conſilio Sacerdotum.

Lyndw. Edit. Oxon. p. 203.

4 Hen. IV. Cap. 17.

A.D.1402.

No Friery ſhall receive an Infant under 14, without conſent of Friends, — nor remove ſuch Infant from houſe to houſe;

— and if they do, (complaint thereof being firſt made to the Provincial *&c.* without redreſs)

— the Ld. Chancellor ſhall puniſh at diſcretion.

The Provincials of the 4 Orders take an Oath in Parliament, to obſerve this Statute.

Item, It is ordeined and eſtabliſhed, that no Frier of the foure orders, that is to ſay, Friers Minours, Auguſtines, Preachers, and Carmelites, from hencefoorth ſhall take nor receive any infant into their ſayd order, unleſſe hee bee entred into the age of xiv. yeeres, without the aſſent of his father and mother, or other his next Friends of blood, or other his friends or tutors, in whoſe warde or cuſtodie ſuch infant ſhall be continually converſant and abiding. And that no ſuch Frier of none of the ſaid orders, bring, imbeſell, nor eloigne, nor doe to be brought, imbeſelled, nor eloigned by himſelfe nor by none other, ſuch infant, out of the place where hee ſhall bee ſo firſt taken or received, to any other place, by an whole yeere next enſuing ſuch taking or receit into the ſaid order. And if any ſuch infant be ſo taken, received, or withholden againſt the will of his ſaid father and mother, or of his other friends or tutors aforeſaid, or if he be brought, imbeſelled, or eloigned from the place where hee ſhall be ſo firſt taken or received, to any other place, and the ſame fathers or mothers, or other his friends or tutors aforeſayd, have made requeſt to the Maſter, Provinciall, Warden or Priour of the ſame order, in the place where the ſaid infant is or ſhall bee ſo taken, received, or withholden, and they will not make delivery of the ſame infant to his ſayd father or mother, or other his friends or tutours aforeſaid: The ſame father or mother, or other friends or tutors aforeſaid, ſhall ſue to the Chancellour of England for the time being, and the ſame Chancellour ſhall have power by authority of Parliament, to ſend for the Maſters or Provincials of the ſaid foure orders, Warden or Prior of the place where ſuch infant ſhall ſo be taken, received or withholden, from time to time, and them to puniſh after the diſcretion of the ſaid Chancellor, and according as the caſe requireth in this behalf. And to the intent that this Statute and Ordinance ſhall holde place for ever: Frier John Zouch, Maſter of the order of Friers Minours in England: Frier William Pikeworth, Provinciall of the order of the Friers Preachers in England: Frier William de Wellie, Provinciall of the order of the Friers Auguſtines in England: Frier Stephen of Paddington, Provinciall of the order of Friers Carmelites in England: being in their proper perſons before the King, and the Lords Spiritual and Temporall, and the Commons of the Realme in the full Parliament, laying their hands on their breſts, made an oath, and promiſed in the ſame Parliament to hold, keepe, obſerve, and performe the Statute and Ordinance aforeſaid, for them and their ſucceſſors for ever.

STEPHANUS.

A.D.1222. 6 *H.* 3.

In Concilio Oxon.

Nihil pro receptione Religioſi expectatur; & ſi ob paupertatem domûs habitum ſolvere teneatur intrans, nihil ultra recipiatur.

Nothing ſhall be taken, for admiſſion into Religious Houſes.

PRæterea Statuimus, Concilio † præſenti approbante, ut nullus de cætero pro receptione alicujus in Religionis domum, pecuniam, vel aliud quicquam ab eo extorquere præſumat; adeo ut, ſi pro paupertate domûs ingrediens debeat veſtire ſeipſum, prætextu veſtium nihil ultra juſtum pretium ab eo penitùs recipiatur.

Lyndw. Edit. Oxon p. 279.
† Al. *Generalī.*

OTHO.

Admiſſion, Probation, and Profeſſion, in Religious Houſes.

A.D.1237. 22 *H.* 3.

O T H O.

In Conſt. *Ut Monachi ab eſu Carnium ſe abſtineant.*

Otho. Edit. Oxon. p. 51.

Profeſſion ſhall be made after the year of Probation.

—— Adjicientes quoque, quòd poſtquam Novitii, anno probationis finito, geſtaverint habitum Monachalem, ad Profeſſionem faciendam juxta [b] Decretalem felicis Memoriæ *Honorii* Papæ diſtrictione Canonicâ per Abbatem vel Priorem protinùs compellantur. Nullus autem in Abbatem vel Priorem aliquatenus admittatur, qui Profeſſionem non fecit. Hoc autem, & quod de Profeſſione, finito probationis tempore, faciendâ diximus, ad Canonicos Regulares & Moniales Duximus prorogandum.

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[b] Decretalem] Extra. de Regular. c. 22. *Ex parte tuâ.* Lyndw.

A.D.1268. 52 *H.* 3.

O T H O B O N.

Summarium.

Omnis utriuſque ſexûs, cujus intereſt Novitiorum ſuſcipere Profeſſionem, niſi eam juxta Conſtitutionem Legati Othonis Portuenſis *Epiſcopi, ſtatim elapſo anno Probationis, ſuſceperit, aut Novitium ſeu Novitiam recuſantem exire coegerit infra menſem poſt elapſum annum, nec Canonicum habuerit impedimentum, omnibus ſextis Feriis in pane & aqua jejunet, donec illum aut illam profiteri coegerit. Neque cuiquam Novitio ante Profeſſionem committatur Officium aut Miniſterium.*

Othob. Edit. Oxon. p. 142.

Otho decreed that Religious ſhould make Profeſſion, at the end of the year of Probation, —and ſhould be forced to do it, or be taken for Profeſſed; —to which is added, that till it be done, the Superior ſhall faſt every *Friday* on bread and water, —and no Novice, before Profeſſion, ſhall have any Office.

SAnè bonæ memoriæ *Otho Portuenſis* Epiſcopus, Sancti *Nicolai* in carcere *Tulliano* Diaconus Cardinalis, & Apoſtolicæ Sedis Legatus, inter alia de ſtatu Monachorum providâ deliberatione Conſtituit, ut quicunque admiſſus eſt in Monaſterio ad probationem, Profeſſionem incontinenti faciat, anno probationis elapſo, aut exeat de eodem. Alioquin Abbas vel Prior, qui aliquem ſine Profeſſione ſuſtinuit ultra annum, per Præſidentes in Capitulo graviter puniatur, & Novitius, qui ſic fecerit, profiteri cogatur, vel haberi debeat pro profeſſo.

Nos autem, ut expreſſa inſtans pœna coerceat, quos dilata * & tacita ſub confidentia impunitatis non cohibet à delicto; adjiciendo Statuimus, ut Abbas, Prior, vel Abbatiſſa, cujuſcunque Ordinis vel Religionis exiſtant, qui Novitium profiteri non fecerint, anno Probationis elapſo, niſi Canonico fuerint impedimento detenti, vel Novitius ille Monaſterium exierit infra menſem; tamdiu in omnibus ſextis Feriis in pane & aqua jejunent, donec Novitium illum fecerint profiteri. Nulli quoq; Novitio, antequam Profeſſionem fecerit, aliquod Officium vel Miniſterium committatur, cum eo tempore ita Regulari diſciplinæ deditus eſſe debeat & intentus, ut ad * talia divertere ſibi valde pernocivum apertiſſimè dignoſcatur.

* *Mens ſub tantâ Confidentiâ.* MS.

* MS. *Alia.*

A.D.1281. 9 *Edw.* 1.

J O H A N N E S P E C C H A M.

Quicunque in habitu, & cænobio, ſeu conventu Religioſorum ultra annum probationis vixerit, licet ſolemniter profeſſus non ſit, ipſo facto cenſeatur profeſſus, & in Religione permanere cogatur.

Lyndw. Edit. Oxon. p. 202.

Nuns having finiſhed their year of Probation, ſhall be *ipſo facto* Profeſſed, —and ſo alſo ſhall Monks, and other Religious.

SAnctimoniales plurimæ, & *infrà*. Moniales quædam in tantum decipiuntur, ut cum fuerint [c] ætatis legitimæ, & doli capaces, poſtquam ultra annum inter Moniales Monaſticè vixerint, putant ſe non eſſe profeſſas, ac ſibi licere redire ad ſœculum, pro eo quòd Benedictionem Epiſcopalem cum ſolennitate voti emiſſi minime receperunt. Nos, errorem hujuſmodi excludentes, præſentis auctoritate Concilii Declaramus, eas ipſo facto profeſſas exiſtere reputandas, poſtquàm ultra annum vitam ſponte in Collegio duxerint Regularem, adeo ut ad ſœculum redire nullatenus permittantur; nihilominus [d] ab Epiſcopis cum ſolennitate debita conſecrandas ſuo tempore, vel velandas. Idem etiam quantùm ad profeſſionis vinculum cenſemus de Monachis, & Religioſis aliis quibuſcunque, quibus nihil obſiſtit [e] Canonicum; & eos, ſi ultra annum Religionis habitum in Monaſterio ſponte detulerint, & ipſo rejecto ad ſœculum redierint, eſſe ſicut Apoſtatas, ab Eccleſiaſticis Beneficiis repellendos, & ad repetenda ſua Monaſteria ſecundùm Juris exigentiam compellendos; de quibus fiat diligens inquiſitio per Archidiaconos, quoniam multos hujuſmodi ſub ovino vellere lupinum animum novimus palliare.

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[c] Ætatis legitimæ] Sc. 12. annorum. Lyndw.

[d] Ab Epiſcopis] *A ſimplici enim Sacerdote non poteſt fieri Conſecratio.* Lyndw.

[e] Canonicum] *Exemplum habes de* Impubere, *qui invito Patre non poteſt ſe obligare Religioni: Aliud Exemplum habes de* Uxore, *quæ poſt Carnalem Copulam non poteſt ſe Religioni obligare, invito viro.* Lyndw.

Admiſſion, Probation, and Profeſſion, in Religious Houſes.

A.D. 1281.
9 *Edw.* 1.

JOHANNES PECCHAM.

Locorum Ordinarii diligenter inquirant, an ſub eis vivant qui Religionem, quam profeſſi ſunt, deſeruerunt; inventoſque omni Beneficio, aut Officio, ſi habeant, privantes, ad priſtinum Religionis ſtatum, aut ſaltem laxiorem, redire compellant, niſi à ſummo Pontifice fuerint diſpenſati.

There being many Perſons, who enter into Religion, and afterwards forſake it,

Lyndw. Edit. Oxon. p. 305.

PRæterea ſunt nonnulli, quos apparet per facti evidentiam, Sœculum intendere perpetuò relinquere, & per certa indicia in Clauſtri excubiis velle toto ſuo tempore Domino militare: Qui tamen, prævalente in eis [f] carnali deſiderio, redeunt ad vomitum, Sœculum repetentes, inter ſydera errantia computandi. Quamvis igitur Jura manifeſtè definiunt eos non poſſe Religionem omnino deſerere, quin ſaltem in Religione aliquâ perpetuò maneant laxiori; quidam tamen cum attritæ frontis audaciâ, Apoſtaſiæ infamiam non verentes, poſtquam abſolutè ſe velle Sœculum relinquere oſtenderint, relictâ *Hieroſolymâ* redeunt in *Ægyptum.* Quocirca Statuimus, quòd Ordinarii locorum tales cum omni diligentia inveſtigent, & per [g] ſubtractionem tam Officii quàm Beneficii Eccleſiaſtici, ſi quod habeant, ad ſtatum priſtinum revocent, vel ad laxiorem cogant regulam pertranſire. Quòd ſi ſint Laici hujuſmodi Apoſtatæ, ut ipſi ad ſalutis ſuæ ſtudia redeant per cenſuram Eccleſiaſticam compellantur. Hanc autem Ordinationem ad illos non extendimus, cum quibus Sedes Apoſtolica aliter ordinavit.

—the Ordinaries ſhall diligently enquire after ſuch, and reduce them,

—ſuch excepted, who are diſpenſed with by the Pope.

[f] Carnali deſiderio] *Quod poteſt eſſe circa Gulam, Accidiam, & Luxuriam.* Lyndw.

[g] Subtractionem] *Non dicit,* Privationem; *quia tales nullum Titulum in Officiis ſive Beneficiis hujuſmodi habere poſſunt; cùm, etiamſi talia Officia ſive Beneficia priùs habuerint, vacant, ex eo quòd Religioni adſtringuntur.* Lyndw.

A.D. 1285.

13 Edw. I. Cap. 34.

In an Act, Entituled, — *The Penalty for carrying a Nun from her Houſe.*

To carry away a Nun, ſhall be 3 years Impriſonment, and ſatisfaction to the Houſe, and King.

---- He that carrieth a Nun from her Houſe, although ſhe conſent, ſhall be puniſhed by three years Impriſonment, and ſhall make convenient Satisfaction to the Houſe from whence ſhe was taken, and nevertheleſs ſhall make Fine at the King's will.

CAP. III.

Religious ſhall not enjoy PROPERTY, *nor* TRAFFICK.

A.D. 1222.
6 *H.* 3.

Religious ſhall not enjoy Property, nor Traffick.

Lyndw. Edit. Oxon. p. 166.

STEPHANUS.

Religioſus in Ordine Regulari non teſtabitur, nec Teſtamento relinquat, cum nihil proprium habeat.

No Regular ſhall make a Will.

CUM viris Religioſis non liceat poſſidere proprium, qui ſe & ſua pariter in ipſo Religionis ingreſſu Domino dedicârunt, præſentialiter Definimus, ut nulla Perſona in Regulari Ordine conſtituta, condere Teſtamentum præſumat, cùm nihil ſuum Temporale habeat quòd transferre valeat in dominium alienum.

A.D 1268.
52 *H.* 3.

OTHOBON.

Quia ex Conſtitutione prædicti Legati Monacho proprium habere non licet, præcipit omnibus Abbatibus, Superiorem præcipuè non habentibus, bis in anno inquiſitionem diligentem ſuper Proprietariis facere, & inventos Canonicè & ſecundùm Regularia Statuta punire; quod ſi neglexerint, ab Adminiſtratione ſint ſuſpenſi.

No Monk ſhall have any Property;

Othob. Edit. Oxon. p. 145.
* Habendæ Cæcationem. MS.
† Ipſe Othobonus.

QUia verò in Monachis eſt quaſi Idololatria, quarumcunque rerum detenta proprietas, in cujus * vitium facilè inducuntur & corruunt, Diabolo ſuggerente: † prædictus Legatus ſimplici præceptione Canonis contentus, [h] Statuit, ut quilibet Monachus pro-

[h] Statuit] Sub *Generalitate.* J. de Athon.

prium

Religious ſhall not enjoy Property, nor Traffick.

prium de cætero penitùs non habeat, & ſi habeat, Prælato ſuo ſine facti delatione reſignet.

—and, if they have, the Superiors ſhall puniſh them,

Quod Nos efficaciùs proſequentes, Statuimus, & diſtrictè Præcipimus, quòd cujuſcunque Ordinis Abbates, & Priores qui Superiores Abbates non habent, ſuper Proprietariis bis in anno inquiſitionem faciant diligentem, ut quoſcunque tales invenerint, ſecundùm Sanctiones Canonicas & Regularia Statuta puniant. Quod ſi ipſi Abbates & Priores hoc implere neglexerint, ipſo facto à ſuis adminiſtrationibus ſint ſuſpenſi, præmiſſa quouſq; fuerint diligenter executi.

—on pain of Suſpenſion.

A.D. 1268.
52 *H.* 3.

O T H O B O N.

Summarium.

Quicunque Monacho Eccleſias, aut Maneria, aut aliud ad Firmam dederit, luat pœnas à Legato conſtitutas, & ſextis Feriis in pane tantùm & aquâ per anni ſpatium jejunet.

Othob. Edit. Oxon. p. 147.

AD Firmam verò, quæ inſtar Mercationis habet, alicui Monacho dari Manerium, vel alia quælibet bona, ſive à proprio Prælato, ſive ab alio, diſtrictiùs Inhibemus. Quòd ſi contrà factum fuerit, *i* præter pœnas dicti Legati, vel aliis Conſtitutionibus impoſitas, quicunque dederit Firmas hujuſmodi, vel tradiderit, ſingulis ſextis Feriis in pane tantùm & aquâ per unius anni ſpatium jejunet.

Poſſeſſions ſhall not be let to farm to a Monk,
—upon the additional pain of faſting every *Friday*, for one year, on bread and water.

i Præter pœnas] *De quibus commemoratur ſub* Generalitate. J. de Athon.

A.D. 1268.
52 *H.* 3.

O T H O B O N.

Summarium.

Religioſam Paupertatem profeſſis nè detur Pecunia pro veſtibus, ſed veſtes decentes pro Religione; qui verò poſthac dederit, ab Officio privetur.

Othob. Edit. Oxon. p. 146.
* MS. *Habilitas delinquendi.*

ET quidem, ne de proprietatis vitio ſuper dorſum Peccatoris fabricandi occaſio Satanæ offeratur, & ipſi homini detur * habilis occaſio delinquendi; Statuimus, ut cùm quiſpiam Monachorum vel aliorum Religioſorum Veſtibus, Calceamentis, & aliis Vitæ neceſſariis indiguerit, is qui ſuper his miniſtrandi gerit Officium, Pecuniam ſive Denarios non tradat pro re hujuſmodi taliter indigenti, ſed res ipſas, prout neceſſitas exegerit, ſubminiſtret. Si autem is, qui hujuſmodi præeſt Officio, contrafacere præſumpſerit, Officio in quo deliquit, & præſtitit materiam delinquendi, † ſit privatus.

To prevent Property in the Religious,
—they ſhall not have money given them, inſtead of Cloaths or other Neceſſaries.

† MS. add. *Nihilominus aliàs Superioris arbitrio puniendus.*

A.D. 1281.
9 *Edw.* 1.

J O H A N N E S   P E C C H A M.

Religioſus non permittatur fieri Executor Teſtamenti, niſi cum debitâ cautione Superioris, ſine quâ nec Diſtributor Legatorum erit; aut Anathema ſit.

Lyndw. Edit. Oxon. p. 167.

REligioſa Sinceritas, & *infrà*. *k* Statuto de *Lambeth*, quo eſt proviſum ſalubriter, nè aliqui Religioſi *l* cujuſcunq; Profeſſionis exiſtant, ſint Executores Teſtamentorum, niſi de licentia & voluntate Ordinariorum; Adjiciendo duximus ſtatuendum, quòd nullus Religioſus permittatur Executor exiſtere alicujus Teſtamenti, niſi Superior ſuus caveat pro ſuo Religioſo hujuſmodi, quòd ſufficienter exequetur, & fideliter reddat & integrè rationem de reſiduis, ſi quæ fuerint; de damnis, quæ per ipſum emerſerint, loci Ordinario abſq; difficultate qualibet reſpondebit. Et quia nonnulli Religionis habitum deferentes, licèt non ſint Executores, tamen Diſtributores efficiuntur bonorum defuncti, temeritate propriâ vel imprudentiâ alienâ, ex quo magnam provenire vidimus bonorum hujuſmodi læſionem, Idem circa hujuſmodi diſtributionem Præcipimus obſervari, quod circa executionem ſuperius eſt proviſum, nè aliter executioni vel diſtributioni hujuſmodi ſe immiſceant, ſub pœna Anathematis inhibentes. Unde qui ſufficienter cavere nequeunt, ſciant ſe tàm ab executione quàm à diſtributione bonorum hujuſmodi præſentis definitione Concilii perpetuò elongatos.

No religious ſhall be an Executor,
—unleſs his Superior undertake for his Fidelity;
—nor ſhall any take upon him the diſtribution of Goods.

k Statuto] *Scil. Bonifacii; quod incipit,* Item Statuimus, auctoritate præſentis Concilii. *Et quia ejus tenor hic totaliter inſeritur, ideò alibi quam hic, in hoc Opere, non locatur.* Lyndw.

l Cujuſcunque Profeſſionis] *Scil. ſive Monachalis, ſive Canonicalis; ſive Fratrum Mendicantium, ſive non Mendicantium. Vel dic,* Cujuſcunque Profeſſionis, *i. e. quamcunque Religionis ſive Ordinis Regulam profeſſus ſit, dum tamen* Clauſtralis *exiſtat.* Lyndw.

Religious ſhall not enjoy Property, nor Traffick.

JOHANNES STRATFORD.

In Conſtit. Statutum bonæ memoriæ, &c.

A.D. 1342. 16 *Edw.* 3. *Lyndw.* Edit. Oxon. p. 177.

No religious ſhall be Executors, but by Licence from their Ordinary.

— Item Statuimus, præſentis auctoritate Concilii, ne aliqui Religioſi, cujuſcunque Profeſſionis exiſtant, ſint Executores Teſtamentorum, niſi hoc de Ordinariorum Voluntate & Licentia concedatur.

OTHOBON.

A.D. 1268. 52 *H.* 3.

Summarium.

Nemo Religionem profeſſus implicet ſe venditioni aut revenditioni quarumcunque rerum Nundinis aut alibi: alioquin tam mercantes quàm permittentes ab Officio ſint ſuſpenſi, non relaxandi à Superiore ſuo, donec ſatisfecerint pro offenſâ. Quæcunque autem de Monachis aut eorum Prælatis præcepta ſunt, etiam de Monialibus & earum Superioribus intelligantur præcepta.

Merchandiſing being rarely carried on without Sin,

Othob. Edit. Oxon. p. 152.

VEnalium rerum commercia, quibus cupiditas dandi minus vel plus recipiendi expetit captiones, vix aut nunquam ſine interventu peccati, etiam inter Laicos, fieri dignoſcuntur: quantò autem magis eorum manus, qui ſunt Sacræ Religionis habitu & obſervantiâ à terrenis actibus * elevati, ſordidum & fœtidum exiſtit à talibus coinquinari.

* *Alienati.* MS.

No Religious ſhall buy or ſell,

—upon pain of Suſpenſion.

Hoc igitur contra illos quaſi abominabilem Lepram Officio debitæ ſollicitudinis inſequentes, arctiùs Inhibemus, nè Monachi, vel Moniales, aut Religioſi quilibet, cujuſcunque Religionis exiſtant, mercationes, quæ in emendo vel in revendendo conſiſtunt, in Nundinis, Mercatis, vel aliis locis audeant in quibuſcunque rebus aliquatenus exercere: alioquin non ſolùm hi qui fecerint, verùm etiam hi, de quorum mandato proceſſerit, ipſo facto ab Officio ſint ſuſpenſi; quæ Suſpenſio nullatenus per Superiorem relaxetur, donec ſatisfecerint in præmiſſis.

Rules for Monks ſhall be alſo Rules for Nuns.

Quæcunque circa Monachorum ſtatum ſunt ſtatuta, in Monialibus quoque, quæ de eâdem ſunt Profeſſione, æquè Volumus & Præcipimus obſervari.

CAP. IV.

CONFINEMENT *of Religious to their* HOUSES.

STEPHANUS.

A.D. 1222. 6 *H.* 3.

Moniales non recipiant præter Epiſcopi ſui aſſenſum cohabitatrices. Nulli autem Religioſo ſit loquendi nimia libertas, aut egrediendi commeatus, niſi approbatæ vitæ, & id cum conſocio certo die redituro. Superiori autem ſit eorum in aliam domum tranſmittendi poteſtas, ubi conſuetæ ſubjaceant diſciplinæ: Onuſq; recipientium per alium ejus loco miſſum, aut per veſtitus aſſignationem ſublevetur.

Confinement of Religious to their Houſes.

Lyndw. Edit. Oxon. p. 206.

Nuns ſhall not entertain Secular Women, unneceſſarily;

—and all Religious ſhall keep Silence, and not go abroad, (tho' upon a juſt occaſion) *alone*, nor without a day fixt for their Return.

Being guilty of Irregularities, they may be ſent to another Houſe,

INhibemus ne Moniales infra Septa domorum ſuarum, præter neceſſarias ſervientes, ad cohabitandum mulieres Sæculares recipiant, niſi Epiſcopi Diœceſani accedat aſſenſus. Item tam à Monachis quàm Canonicis Regularibus & Monialibus ſilentium Præcipimus obſervari in locis & temporibus conſtitutis; nec viris aut mulieribus abſque licentia Superioris egredi liceat Septa domûs, nec ſine certa cauſa & honeſta egrediendi eis licentia concedatur. Ita quòd nulli Clauſtralium, cauſâ recreationis aut viſitandi parentes, pateat aditus exeundi, niſi talis fortè fuerit, de quo nihil ſiniſtrum poſſit aut * debeat ſuſpicari, qui etiam ſemper Collegam ſecum habeat. Et quoties alicui exeundi licentia conceditur, certus dies eidem, in quo redire debeat, præfigatur. Hoc quoque Volumus obſervari, ut ubicunque propter exceſſum alicujus, ſi viderit *m* Epiſcopus vel Abbas, vel Prior Conventualis non habens Abbatem, expedire, ut quis ad tempus alibi moretur, ad domum aliam Religionis ejuſdem in eodem Epiſcopatu transferatur; vel ſi neceſſe fuerit, ad alium etiam Epiſcopatum dirigatur, & per Diœceſanum compellatur admitti, qui ibi in omnibus ſubjaceat Regulari diſciplinæ. Ita ut ſi ex mora ipſius, Eccleſia in qua mora-

* MS. Æton. add. *meritò.*

m Epiſcopus] In *Viſitatione ſuâ, vel etiam* extra: *nam in Monaſteriis ſibi ſubjectis Diſpoſitio ſpectat ad Epiſcopum.* Lynd.

tur,

Confinement of Religious to their Houſes.

tur, fuerit gravata, vice verſâ mittat aliquem de ſuis Collegis, qui interim moram faciat in Monaſterio delinquentis; nec prius rediens ille qui deliquit, in domo ſua recipiatur, quàm ſi plenè de commiſſo pœnituerit, & tunc per ſuum Superiorem revocetur. Si autem Monaſterium, in quo moratur delinquens, neminem verſâ vice mittere voluerit ad Monaſterium delinquentis, Monaſterium à quo venit ei Veſtes miniſtret.

— and not return, till they have fully finiſhed their Penance.

A.D. 1268. 52 *H.* 3.

OTHOBON.

Summarium.

Monachos, & cæteros Religioſos, qui ſoli ſtant in Eccleſiis, quas tenent, aut in earum Maneriis, revocent Prælati in Conventum, aut ſocium cogant recipere: aut ſi pauperiores ſint Eccleſiæ quàm ut duo alant, cogant Sæculari Clerico derelinquere; aliter ipſi Prælati ſuſpendantur ab Officio.

Othob. Edit. Oxon. p. 146.

MOnachos ſive Canonicos Regulares per Maneria vel *n* Eccleſias ſolos morari, tam indecens, quàm Animabus eorum periculoſum eſſe conſpicientes, firmiter & diſtrictè Præcipimus, ut Abbates & Priores Monachos ſic manere non faciant ſeu permittant. Sed ſi qui ſint, eos ſine moræ diſpendio revocent ad Conventum, vel ſibi unum * ſtudeant ſociare. Alioquin ipſi Abbates & Priores ab Officio † ſint ſuſpenſi. Quòd ſi fortè pauperes habeant Eccleſias, quæ duobus non ſufficiant exhibendis, faciant illis per Sæculares Clericos deſerviri, ut ſic nec debitis Eccleſiæ fraudentur obſequiis, nec Regularis frangatur integritas diſciplinæ.

Monks ſhall not remain in the Manours of their Houſes, alone,

— and their poorer Churches ſhall be ſupplyed by Secular Prieſts.

* MS. add. *Monachum.*
† MS add. Et Beneficio, donec adimpleverint.

n Eccleſias] *Ipſis Religioſis Appropriatas.* Lyndw.

A.D. 1268. 52 *H.* 3.

OTHOBON.

Summarium.

Monialis Deo conſecrata virtuti ſtudeat, carnem refrænet, cæleſtia contempletur, terrena deſpiciat, Sæculares & Sæcularia negotia devitet, peccata obrepentia in Capitulo purget, nunquam niſi in publico cum quovis loquatur, præſertim niſi adſit altera Monialis, quæ totum præter confeſſionem audiat; nuſquam niſi de Superioris Commiſſione cum aliquo comedat, nec permiſſa, niſi cum eo, quicum malam famam non incurrat. Quæcunque loca ſuſpecta etiam in Clauſtro devitet, & ad non ſuſpecta non ſine commeatu adeat, ad quæ Sæculares niſi ex juſta cauſa & perquam rarò accedant. Sed nec illæ quibus ex Officio competit viſitare, ſolæ incedant: Abbatiſſæ autem, & quæcunq; aliæ Monialium Præſides non exeant Clauſtra, niſi utilitas Clauſtrorum aut neceſſitas exigat, neque tunc ſolæ, ſed probatis Monialibus ſociatæ, ſine quibus inferiores nequaquam exeant, nec ſine venia Superiorum. Sed nè in Proceſſionibus quidem exeant deinceps, ſed domi eas faciant. Quæ omnia Prælati, quorum eſt Monaſteria viſitare, ſub obteſtatione Divini Judicii curent obſervanda.

Othob. Edit. Oxon. p. 152.

MOniales Deo dedicatæ, quæ abnegantes ſeipſas, & renunciantes Sæculo, Chriſti ſervitio ſe perpetuò mancipârunt, omni cuſtodiâ ſe ſervare habent, & portas Senſuum obſerare, nè unquam introitus pateat maligno Spiritui, ex quo aliis, vel eis, in pravorum deſideriorum ardore, vel ſaltem levi cogitatione detur occaſio delinquendi.

Nuns having devoted themſelves to God, and renounced the World,

Eapropter in Cœnobiis certa ſunt loca deputata, quæ eas exire non convenit, ut poſſint Domino cordis & corporis innocentiam obſervare. Intrare enim debet Oratorium Monialis, in quo prudenter orando ſibi provideat, nè aliquando in tentationem incidens, in delictum aliquod prolabatur. Accedat ad Capitulum, in quò juſtè puniat quod commiſit; & intret Dormitorium & Refectorium Horis ſuis, in quibus corpus ad ſuſtentationem * recreandum, nè deficiat; aſſiſtat ſibi temperantia, nè ex refectionis ſuperfluitate caro recalcitret; & ut eam non deſerat fortitudo, ut reſiſtat fortiter tentationibus, dum quieſcit. Sed cæteris horis moretur in Clauſtro, in quo ſic ſe claudat, & corporis ſui ſenſus cuſtodiat, ut inter ſe & Mundum Chaos firmatum eſſe intelligat; & ſolum Deum mentis oculis aſpiciens, aliquid prægustet de æternæ vitæ dulcedine contemplando. Præmiſſa verò loca à perſonis Sæcularibus vacua eſſe Præcipimus, & ad ea non niſi neceſſariâ vel juſtâ causâ perſonæ Sæculares accedant; & hoc non frequenter, ſed rarò, nè ex frequenti converſatione Sæcularium quies earum & contemplatio perturbetur, vel ſaltem ad Sæcularia cogitatione vel deſiderio earum animus prolabatur.

— muſt confine themſelves to certain places, *viz.*
— Oratory,
— Chapter,
— Dormitory and Refectory,
— Cloyſter,
— to which places no Secular Perſons ſhall come, but for urgent cauſes;

* *Ne deficiat Recreando.* MS.

Eapropter illud Statuimus, ut nunquam cum hominibus, vel aliquibus perſonis Religioſis, vel Sæcularibus, niſi in locis publicis, & non ſuſpectis, colloquium habeat Monialis, * & niſi ſerioſum colloquium eſt habendum. Monialis ſola non accedat ſeu conveniat ad loquendum, ſed ſibi ad minus Monialis alia Deum timens, & in Religionis obſervatione rigida ſocietur, quæ illos ſemper videat, & poſſit omnium, quæ per aliam dicta vel facta fuerunt, eſſe teſtis, niſi quando voluerit confiteri. Nunquam etiam extra Domum, niſi

— nor ſhall they converſe with any perſon privately, and without a Nun;

* *Ubi Scorſum* &c. MS.

Confinement of Religious to their Houſes.

—nor eat out of the houſe without leave, and with any but a near Relation,

—all other places (except the 5) being forbidden.

niſi de Superioris permiſſu, cum aliquo homine comedat; nec tunc, niſi cum tali, qui tantâ ſit ei conſanguinitate vel affinitate, ſeu aliâ honeſtâ familiaritate conjunctus, & aliter non ſuſpectus, quòd non liceat inter eos aliquid ſuſpicari ſiniſtrum. Alia verò loca, quàm quinque præmiſſa, Monialis ſibi reputet penitus interdicta, ut ad ea nunquam accedat, niſi ad locum Infirmariæ, vel ad alium Monialibus ad hoc deputatum; in quo de licentia Abbatiſſæ ſeu Prioriſſæ causâ recreationis eſſe poterit, ſi debilitate fuerit, ſeu infirmitate, detenta, ubi infirmitatis & recreationis remedia recipiat opportuna. Ad officinas etiam, Moniales, niſi illæ, quibus hoc ex Officio competit, non accedant; & illæ nunquam ſolæ, ſed cum honeſta ſocietate, ut ſuperiùs de aliis eſt expreſſum. Abbatiſſa verò, ſeu Prioriſſa, & cæteræ, quæ Monaſterio præſunt, quocunq; nomine cenſeantur, Monaſteria non exeant, niſi pro evidenti Monaſterii utilitate vel neceſſitate urgente, & cum ſocietate honeſtâ. Cæteris verò inferioribus Monialibus nunquam, niſi juſtâ vel neceſſariâ causâ, exeundi Monaſterium licentia præbeatur: & tunc nunquam ſolæ ire, eſſe, vel morari extra Monaſterium permittantur, niſi tali Moniali fuerit ſociata, quæ ſic probata in Monaſterio fuerit, quòd de ipſa nihil ſiniſtri poterit ſuſpicari. In terris quoq; noſtræ Legationis Conſuetudinem Abolemus, quâ Moniales Monaſteria conſueverunt exire occaſione Proceſſionum, quantumcunque fuerint publicæ & ſolennes; firmiter Statuentes, ut occaſione prædictâ Monaſteria non exeant Moniales, ſed intra ſepes Monaſteriorum [o] Proceſſionum ſolennia peragant, temporibus in quibus conſueverunt fideles in Proceſſionibus convenire. Nihilominus Archiepiſcopis, Epiſcopis, & aliis Eccleſiarum Prælatis, quibus viſitandi Officium de Jure ſeu Conſuetudine competit, in virtute Sanctæ obedientiæ & ſub obteſtatione Divini Judicii diſtrictè Præcipimus, ut Monaſteria Monialium, prout expedit, viſitantes, quæ ſtatuta ſunt, firmiter faciant obſervari.

Neither the Abbeſs, nor inferior Nuns, ſhall go out of their Houſe, but upon great neceſſity, and not alone,

—not even to attend Proceſſions.

Archbiſhops and Biſhops, being Viſitors, ſhall ſee theſe things obſerved.

[o] Proceſſionum Solennia] *Per pulſationem Campanarum, indutis fortè Cappis, ac binis & binis ordinatè incedentibus, Cruce ſemper præcedente.* J. de Athon.

JOHANNES PECCHAM.

A.D. 1281.
9 *Edw.* I.

Monialis quæ non cogitur mendicare, non ſit ultra tres dies naturales, etiam cum ſociâ, quantumcunq; ſit bonæ famæ, apud parentes aut notos ſuos, niſi urgente neceſſitate, aut cauſâ legitimâ cum Epiſcopi aſſenſu interveniente.

Nuns ſhall not be out of their Houſe, even with their neareſt Relations, above 3 days,

Lyndw. Edit. Oxon. p. 212.

SAnctimoniales plurimæ in vagationis vitio delectantes, *Dinæ* vagantis exemplo in conſimile corruptionis ſcandalum, immò [p] longè pernicioſius, aſſiduè prolabuntur; cui periculo providentes, magis optantes earum ſaluti conſulere, quem vanis earundem deſideriis complacere, ſub pœna Excommunicationis Inhibemus, nè qua illarum etiam cum ſocia, nedum ſola, apud parentes vel affines quantumcunq; propinquos, nedum apud extraneos quantumcunque famæ, vel eminentiæ vel Religionis exiſtant, ultra tres dies naturales cauſâ recreationis perendinare, ſeu pro quacunque neceſſitate vel occaſione ultra ſex dies ceſſante infirmitate commorari præſumant, niſi locorum Epiſcopis aliud aliquoties ex cauſa neceſſaria videatur, de quo eorum conſcientias in tremendo judicio oneramus. Hanc autem Ordinationem ad illas non extendimus, quæ exterius coguntur mendicare, ſibi neceſſaria dum mendicant.

—ſuch excepted, who are forced to Beg.

[p] Longè pernicioſius] *In corruptione Monialis, non ſolùm committitur Stuprum, eò quòd fuerit Virgo; ſed Adulterium, quia Sponſa Chriſti.* Lyndw.

CAP. V.

Regulations of the Religious, in point of DIET, FURNITURE, *and* APPAREL.

STEPHANUS.

A.D. 1222.
6 *H.* 3.

Religioſi & Regulares non indulgeant comeſſationi & compotationi, ſed ſolùm ſtatutis horis reficiantur, niſi obtentâ veniâ, aut infirmi ſint, aut in Prælatorum obſequio. Qui verò ex juſta cauſa ſeorſum commorantur, habeant ſecum pro teſtimonio ad minus duos Seniores.

Religious ſhall not eat and drink, but at the ſtated hours,

Lyndw. Edit. Oxon. p. 211.

QUoniam inter alia vitia impetus Gulæ viros Religioſos ſolet non mediocriter infeſtare, Decernimus, ut nec Monachi, nec Canonici Regulares, niſi horis ſtatutis, potationi aut comeſſationi vacare præſumant. Si verò ſitiverint, impetratâ licentiâ regu-

Regulations of the Religious, in point of Diet, Furniture, and Apparel.

regulariter refectorium introeant, & ſic neceſſitati ſubveniant, non ut conſulant voluptati. Ab hac tamen generalitate infirmos excipimus, & eos qui ſunt in *q* obſequiis Prælatorum. Ad hæc ſtatuimus, ut cùm pro debilitate vel alia juſta de cauſa Monachi ſeorſùm in *r* Miſericordia commorantur, ſemper habeant ſecum duos ad minus Seniores, qui aliorum levitates debitâ correctione compeſcant, & qui poſtmodum in Capitulo teſtificentur qualiter *s* miſericorditer fuerint converſati. Idem inter Canonicos Regulares & Moniales Volumus obſervari.

—unleſs in the Infirmary, where two Seniors ſhall inſpect the reſt.

Canons Regular, and Nuns, ſhall obſerve the ſame.

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q Obſequiis Prælatorum] *i. e. Abbatum vel Priorum; quales ſunt Capellani, & Adminiſtrationem habentes, ad extra: hi namque ad* Cellarium *Abbatis, vel aliàs Officii ſui, ſi ſic ſe habeat uſus, pro tali neceſſitate recurrere poſſunt.* Lyndw.

r Miſericordiâ] *i. e. Relaxatione auſteritatis Obſervantiæ Regularis ad tempus.* Lyndw.

s Miſericorditer] *i. e. In Miſericordiâ exiſtentes.* Lyndw.

A.D. 1222.
6 *H.* 3.

STEPHANUS.

Victus, niſi valetudo ſit diſſimilis, ſit Correligioſis unus, totuſque apponatur: fragmenta autem quæ ſuperſunt, tota in Eleemoſynam erogentur, nec ſit cuiquam contradicendi jus: Contradicens autem ab Officio celebrandi, aut à Communione ſuſpendatur. Moniales non veſcantur contra morem in refectorio carnibus, nec quiſquam in aliam domum recipiatur ſine Epiſcopi aut Superioris approbatione per literas factâ. Nec fiat approbatio ultra debitum numerum in onus domûs recipientis. Confiteantur autem Moniales Sacerdotibus ab Epiſcopo deputatis. Nec alteri pateat ſine rationabili cauſa ad Clauſtrum acceſſus.

Lyndw. Edit. Oxon. p. 208.

OMnem autem ſingularitatem Interdicimus in Refectorio, ut cibus aliter uni quam alteri præparetur; ſed qui præeſt, provideat, ut ſibi interdum talia præparentur, de quibus aliorum debilitas vel infirmitas, prout viderit expedire, valeat relevari. Omnia autem victualia Religioſis apponenda, ſine ſubtractione aliqua eis apponantur, tam in Conventu, quàm alibi ubi reficiuntur. Et de omnibus appoſitis totum reſiduum ſine diminutione aliqua cedat in Eleemoſynam, per Eleemoſynarium egentibus ſimul erogandum. Ita quòd nec Abbas, nec Prior, nec Eleemoſynarius, poſſit contra hoc diſpenſare. Et quicunq; Statutum iſtud, vel illud *t* de indumentis, admittere vel obſervare noluerit, ſi Sacerdos fuerit, à celebratione Divinorum, ſi minoris Ordinis, vel Monialis, à communicatione Corporis Chriſti uſque ad plenam ſatisfactionem firmiter ſuſpendatur. Item Prohibemus, nè aliquæ Moniales ſingulariter in Refectoriis comedant carnes, in quibus non ſolent communiter carnes comedere. Ad hæc per nullam ſocietatem vel conſiderationem admittatur Monachus in alterius Monaſterio ad moram faciendam, niſi cum Literis Epiſcopi ſui, vel Abbatis, vel Prioris Conventualis non habentis Abbatem. Idem inter Canonicos Regulares & Moniales Volumus obſervari. Provideant etiam Epiſcopi quot Moniales in omnibus neceſſariis ſuſtentari poſſint de bonis Monaſterii; nec ſuſtineant ultra numerum illum aliquem admitti; nec etiam recipiatur aliqua, poſtquàm redactæ fuerint ad numerum illum: & hoc firmiter Statuimus auctoritate præſentis Concilii. Si autem de cætero contra hanc formam aliquam contingat admitti, tam Abbatiſſa quàm Prioriſſa deponatur. Idem *u* de Magiſtris & *w* Prioribus Moniales cuſtodientibus, ſi contra hanc formam Moniales admiſerint, duximus ſtatuendum. Confiteantur etiam Moniales Sacerdotibus ſibi ab Epiſcopis deputatis. Clerici autem vel Laici frequentem non habeant acceſſum ad clauſtrum Monialium ſine rationabili cauſa.

Religious ſhall eat all the ſame, and have their full allowance,

—the whole Remainder going to the Poor,

—upon pain of Suſpenſion.

Nuns ſhall not eat fleſh, but as uſual.

None ſhall be received into another Houſe, without Letters.

No more Nuns ſhall be received, than the Nunnery will maintain.

Biſhops ſhall appoint Nuns their Confeſſors;

—and others ſhall not go to them, but upon reaſonable cauſe.

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t De Indumentis] *Vide infrà Conſt.* Quia nonnunquam Serpens.

u De Magiſtris] *De quibus patet Exemplum, in Ordine* S. Gilberti *de Sempringham; cujus Ordinis principalis Pater, appellatur* Magiſter. Lyndw.

w Prioribus] *Prout eſt videre in Lincoln' Diæceſ. apud* Bolyngton *& apud* Sixhill. Lyndw.

A.D. 1222.
6 *H.* 3.

STEPHANUS.

Cænobitæ in uno Dormitorio dormiant, & in uno Refectorio reficiantur; ex communi veſtiantur, neque pro veſtitu pecuniam recipiant, ſed in pios convertatur uſus vetus amictus, dum novum recipiunt.

Lyndw. Edit. Oxon. p. 204.

QUIA nonnunquàm Serpens antiquus, qui jugiter ſedet in inſidiis ſanctis viris, quantò magis eos invenit ſolitarios & abſque conſolatione mutua converſantes, tantò facilius eos interdum ſuis inſultibus obruit & confundit; Providâ deliberatione Statuimus, ut tam Monachi quàm Canonici Regulares & Moniales in uno Dormitorio pariter dormiant, & quieſcant, ſingulis perſonis ſingulis lectis aſſignatis. In uno etiam Refectorio ſimul edant, neque per ſe cuilibet, ſed conjunctim omnibus, victualia præparentur, nec ſingulis eorum pro veſtibus Denarii tribuantur, ſed talia per certas perſonas ad hoc deputatas, putà Camerarios ſuos & Camerarias ſuas, diligenter expediantur, qui vel quæ, ſicut bona & facultates domûs ſuſtinuerint, indumenta miniſtrent; & cùm nova tradunt, vetera ab eis recipiantur indumenta, quæ in uſus pauperum vel alias neceſſitates de conſilio Abbatis vel

Religious ſhall reſt in the ſame Dormitory,

—and eat in the ſame Refectory,

— and have Cloaths provided for them, — for which nothing ſhall be taken.

Regulations of the Religious, in point of Diet, Furniture, and Apparel.

Abbatiſſæ convertantur. Camerario autem vel Camerariæ non liceat alicui Monacho, vel Canonico, vel Moniali dare Denarios, vel aliquid aliud pro veſtimentis. Sed nec Monacho, vel Canonico, vel Moniali liceat aliquid recipere: & ſi fecerint, & Camerarius ab Officio deponatur, & Monachus, vel Canonicus, vel Monialis anno illo novis careat indumentis.

STEPHANUS.

A.D. 1222. 6 *H.* 3.

Mulieres & Virgines Deo dedicatæ, utantur veſtibus pro magnitudine corporis decentibus, non ſericis, nec auro aut argento ornatis; uno annulo, quo conſecratæ ſunt, contentæ. Quæ Lex Monachis quoque & Canonicis Regularibus indicitur.

Lyndw. Edit. Oxon. p. 205.

The Veils of Nuns ſhall be plain; — and the Girdles of Religious, not coſtly; — nor the Cloaths larger than the Bodies. A Nun may have one Ring.

Ad hæc quoniam ſexum muliebrem contra verſutiam antiqui hoſtis minus fortem multiplici remedio neceſſe eſt efficaciter communiri, Decernimus, ut Moniales & cæteræ mulieres Divino cultui dedicatæ, velum vel [x] peplum ſericum non habeant, nec in velo acus argenteas vel aureas audeant deportare. Nec ipſæ, nec Monachi, nec Canonici Regulares habeant zonas ſericas, vel auri vel argenti ornatum habentes, nec [y] Burneto, vel alio [z] panno irregulari de cætero utantur. Metiantur etiam juxta dimenſionem corporum veſtes ſuas, ita quòd longitudinem corporum non excedant, ſed, pede ſicut decet ſupertecto, ſufficiat eis cum *Joſeph* veſte indui talari. Et ſola Monialis conſecrata deferat [a] annulum, & uno ſolo ſit contenta. Si qui autem contra hanc prohibitionem venire præſumpſerint, & commoniti ſe non correxerint, regulari ſubjaceant diſciplinæ.

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[x] Peplum] *Hîc ponitur, pro Pannis lineis, quos Moniales gerunt ſub mento.* Lyndw.

[y] Burneto] Brunus *color poteſt fieri ex lanâ ipſâ abſque Tincturâ; quale eſt apud nos* Ruſſetum *nigrum: Burnetum verò requirit Tincturam, & Artificium hominis quoad Colorem.* Lyndw.

[z] Panno Irregulari] *Irregularis pannus dicitur, omnis alius Pannus, quàm pannus* nigri, bruni, *vel* albi *coloris.* Lyndw.

[a] Annulum] *Qui eſt ſignum* Deſponſationis. *Deſponſatur enim Monialis in ſuâ Conſecratione; non Epiſcopo Conſecranti, ſed Chriſto.* Lyndw.

OTHO.

A.D. 1237. 22 *H.* 3.

Summarium.

Monachi ſtatim ut profeſſi ſunt, ab eſu Carnium abſtineant, niſi ægrotantes ad Infirmitorium deſtinati; nec quiſquam Abbas aut Prior ſit, niſi Ordinem profeſſus: Profeſſio autem ſtatuto fiat tempore, tam in Ordine Sancti Benedicti quàm Monachorum Regularium & Monialium; de cæteris autem ad eorundem ſcribet Capitula.

Otho. Edit. Oxon. p. 51.

The Decree of the Benedictines not to eat Fleſh, — ſhall be inviolably obſerved.

Audivimus & lætati ſumus, quòd Religioſi viri Abbates Ordinis Sancti *Benedicti* per *Angliam* Conſtituti, convenientes in unum nuper in [b] Capitulo ſuo generali (tanquàm filii, juxta ſermonem Propheticum, ad ſuos terminos revertentes) providè Statuerunt, ut de cætero ſecundùm Sancti *Benedicti* Regulam ab eſu Carnium debeant abſtinere, exceptis debilibus & infirmis, quibus debet ſecundùm ejuſdem Regulæ continentiam in Infirmitorio provideri; quod utique approbantes, Statuimus inviolabiliter obſervari.

The Religious, as to other Points, ſhall have Rules and Orders given them.

Super aliis verò, quæ tam ad Correctionem quam ad reformationem tam eorum quàm aliorum Regularium noverimus pertinere, providere Intendimus, & quæ Eccleſiis eorum ſunt utilia, ipſiſque ſalubria fuerint, concedente Domino, Statuemus, & Mandabimus per eorum Capitula firmiter obſervari.

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[b] Capitulo ſuo Generali] *Quod celebrari præcipitur quolibet triennio per omnes Abbates & Priores (non dico* Clauſtrales) *illius Provinciæ, ſaltem, ejuſdem Ordinis S. Benedicti; imò ſecundum quoſdam,* cujuſlibet *Ordinis.* J. de Athon.

OTHOBON.

A.D. 1268. 52 *H.* 3.

Summarium.

Prælati Monachorum & Monialium, Superiorem non habentes, ſolicitè & diligenter inquirant, qui contra Regulam ſuam Carnes ederint, & inventos ritè puniant. Epiſcopi quoque, dum Monaſteria ſubjecta viſitant, de eiſdem idem facturi inquirant; aut tam Prælati quàm Epiſcopi id negligentes, præter æternæ damnationis acerbitatem, ſint, donec id fecerint, ab Officio ſuſpenſi.

Othob. Edit. Oxon. p. 147.

Abſtinence from Fleſh, being the beſt way to mortify the Fleſh,

Ad hæc, quoniam Regularis obſervantia, quæ per arctam viam ducit ad vitam, per carnis ſuperbiam laxatis habenis multipliciter impugnatur, meritò Sancti Patres Carnem voluerunt ab eſu Carnium cohibere, ut ſuperbiam ejus contereret parcitas, & per carnis abſtinentiam, carne devictâ, Spiritus gratiam Deo decantaret.

Super

Regulations of the Religious, in point of Diet, Furniture, and Apparel.

Super his prænotatus Legatus Statuit, ut cùm eſus Carnium ſit Monachis nigri Ordinis, per Regulam * Sancti *Benedicti*, (niſi in certis caſibus & locis) necnon Abbatum eorum Præſidentium, generali Capitulo interdictus; Monachis, qui per abuſum conſueverunt veſci Carnibus, Abbates & Priores, loco hujuſmodi cibi vetiti, juxta facultates Domûs alium competentem miniſtrare curarent.

—it is forbidden to the Benedictines;

Nos autem adjiciendo firmiter & diſtrictè Præcipimus & Inhibemus, ut Abbates, & Priores Abbates proprios non habentes, ac Abbatiſſæ ſeu Prioriſſæ Ordinis Sancti *Benedicti*, circa eſum Carnium ſolicitè & diligenter inquirant; & eos, quos invenerint in hoc delinquentes, graviter puniant, delicti & delinquentium circumſtantias attendentes. Epiſcopi quoque, cùm ſubjecta ſibi Monaſteria viſitant, de hujuſmodi eſu Carnium ſubtiliter diſcutiant & inquirant, & puniant illos quos pœnâ invenerint indigere: alioquin præter indignationis & maledictionis æternæ acerbitatem, donec id fecerint ſint ſuſpenſi.

—and the Governours and Viſitors, of Houſes ſhall ſee that the Rule be obſerved, —upon pain of Suſpenſion.

Othob. c. Ad hæc. v. *Nigri.*

A.D. 1268. 52 *H.* 3.

OTHOBON.

Summarium.

Nemo Religioſorum utatur tanquam propriis, in Refectorio aut alibi, pretioſioribus poculis aut vaſis eſcariis quàm alii, nec in Dormitorio majori apparatu lecti vel ſupellectilis.

Othob. Edit. Oxon. p. 148.

ILLUD quoque ridiculoſæ ſcurrilitatis opprobrium auferentes, quo Monachi, & alii Religioſi quidem ſe majores aliis exiſtere exiſtimantes & oſtentare volentes, vaſis pretioſioribus uti contendunt; diſtrictius Inhibemus, nè quis Monachorum, vel Monialium, ſeu Canonicorum Regularium, Cipho argenteo, vel pretioſiori in Refectorio, vel in aliis locis utatur, illum quaſi proprium poſſidendo, aut in Dormitorio majori apparatu lecti vel tegiminis. Cum enim omnes pares ſint, & Sanctæ fraternitatis nomine ſint coæquales, ridiculum eſt, ut alter ſe majorem altero oſtendat, qui de hoc gloriari deberet, ut oſtendat ſe cæteris minorem.

No Monk ſhall uſe Veſſels, or Furniture, more coſtly than the reſt.

A.D. 1268. 52 *H.* 3.

OTHOBON

Summarium.

Prior vel Superior per Viſitationem vigilanter infirmis Fratribus proſpiciat, ut ab Infirmario ritè tractentur. In quo ſi defectum invenerit, Superiori denunciet ab eodem ſupplendum: alioquin tam Abbas negligens, quàm Prior, ſuſpendantur ab Officio, donec ſuo fungantur munere.

Othob. Edit. Oxon. p. 149.

DE Infirmis, quibus humanitatis præbere præſidium charitas jubet, & pietas interpellat, diſtrictè Præcipimus, ut Prior, vel Superior Clauſtralis, ſæpe Viſitationis exercitium adhibens, circa ipſos vigilanter inquirat, qualiter ab Infirmario procurentur.

Governours of Houſes ſhall ſee, that the Sick be taken care of,

Si quos verò in hoc defectus invenerit, ipſos Abbati vel Priori denunciare feſtinet; Abbas autem vel Prior omnem defectum ſine tardatione & negligentia circa id faciant emendari. Quòd ſi Abbas vel Prior minimè præmiſſa ſervaverint, ipſo facto, donec id fecerint, ab Officio ſint ſuſpenſi.

—on pain of Suſpenſion.

A.D. 1268. 52 *H.* 3.

OTHOBON.

Summarium.

Abbates aut Priores non ſic vocent è Refectorio Fratres reficiendos ad locum privatum, ut non remaneant illic duæ partes eorum, & in vocandis rationabilem faciant delectum.

Othob. Edit. Oxon. p. 149.

STatuimus inſuper, & diſtrictè Præcipimus, ut cùm Abbas vel Prior vult aliquos in Camera ſua reficere, ita reficiendorum ibidem numerus moderetur, quòd duæ partes ſaltem Fratrum in comeſtione remaneant in Conventu. In hoc verò apponat providentiam diligentem, ut ſine perſonarum acceptione, nunc hos, nunc illos ad refectionem vocet, quos magis noverit indigere.

The Abbot or Prior ſhall not entertain at his Chamber, above one third of the whole number.

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* S. Benedicti] *In quo, & S.* Auguſtino, *& Beato* Franciſco, *originaliter quaſi ſinguli Ordines ſunt fundati. Unde Ordinis S. Benedicti ſunt Monachi* Albi, *ſive nominentur* Ciſtercienſes, *ſive alio modo. Sunt etiam* Nigri *Monachi ejuſdem Ordinis, qui ab aliis Monachis diſtinguuntur per adjectionem Obſervantiarum, Regulâ eâdem manente.——Qui Color, cùm inter cæteros vilior ſit, & magis fuſcus, electus fuit in illius Religionis primordio, ad denotandum Carnis Mortificationem, & Vitæ* Triſtitiam, *quam in ſe debent hujuſmodi Vitæ Profeſſores habere.*

Regulations of the Religious, in point of Diet, Furniture, and Apparel.

A.D. 1388.

12 Ric. II. Cap. 7.

An Act for Beggars.

People of Religion and Heremites may beg, having Letters teſtimonial from their Ordinary; — alſo Pilgrims, having Letters; — and Scholars of the Univerſities, if they have Letters from their Chancellor.

Item, It is accorded and aſſented, that of every perſon that goeth begging, and is able to ſerve or labour, it ſhall be done of him as of him that departeth out of the Hundred and other places aforeſaid, without Letter teſtimoniall as afore is ſaid, Except people of Religion, and Heremites, having Letters teſtimoniall of their Ordinaries; and that the beggars impotent to ſerve, ſhall abide in the cities and townes where they be dwelling at the time of the proclamation of this Statute; and if the people of Cities or other townes will not, or may not, ſuffice to finde them, that then the ſaid beggers ſhal draw them to other townes within the Hundreds, Rape or Wapentake, or to the Townes where they were borne, within xl. days after the Proclamation made, and there ſhall continually abide during their lives, and that of all them that goe in Pilgrimage as beggers, and be able to travaile, it ſhall be done as of the ſaid ſervants and labourers, if they have no Letters teſtimonial of their Pilgrimage under the ſaid ſeales. And that the Scholers of the Univerſities that goe ſo begging, have Letters teſtimoniall of their Chancellour, upon the ſame paine.

A.D. 1535.

27 Hen. VIII. Cap. 25.

In an Act, Entituled, *An Act for puniſhment of ſturdy Vagabonds and Beggers.*

Proviſo for Friers Mendicants, in the Act againſt Begging.

XXVII. Provided alſo, that in as much as Friers Mendicants have little or nothing to live upon, but only by the charitie and almes of chriſtian people: this Act therefore, nor any thing therein contained, ſhall be prejudiciall or hurtfull unto any perſon or perſons for giving of them in generall or particular, any manner almes in mony, vicuall or other thing, nor alſo to them or any of them for being or remaining out of the places where they were borne or had their laſt habitation, or for paſſing abroad, to gather the almes and charity of chriſtian people, or for continuance in their religion as they have beene accuſtomed to doe: this Act or any thing therein mentioned to the contrary notwithſtanding.

CAP. VI.

Rules for PIETY *and* CHASTITY *in Religious Houſes.*

OTHOBON.

A.D. 1268. 52 H. 3.

Summarium.

Monachorum, præcipuè Ordinis Sancti Benedicti, *quibus Primatum dat, Reformationem proximis inſtituet Statutis.*

The Manſions in Heaven being anſwerable to Men's Perfections, — and the order of Benedictins moſt perfect, — the greater care ought to be taken, to preſerve it from Corruption, — which the Legate reſolves to do.

Rules for Piety and Chaſtity in Religious Houſes.

Othob. Edit. Oxon. p. 141.

Regnum Cœlorum manſionibus multis, teſte veritate, diſtinctum, de Mundo iſto quaſi de Torculari ſibi exprimit & colligit incolas, per varias incedentes virtutum ſemitas, & extra Mundi contagia per diverſos cancellos Pœnitentiæ ſalientes, manſionum Cœleſtium tabernacula variis præmiorum ſtipendiis ingreſſuros. Inter omnes hujuſmodi, Sanctum & Deo proximum Ordinem Monachorum, per virum illum Venerabilem, vitæ gratiâ & nomine *Benedictum*, docente Spiritu Sancto, inſtitutum & elevatum ad chariſmata meliora, quantò per altioris vitæ gradus à diebus antiquis de terrenis triumphantem attendimus, & Regnum Dei Sanctâ violentiâ rapientem, tantò cura major Nobis illius incumbit perſeverare decorem, munire ſanctimoniam, & immiſſionem per Angelos malos præcludere, atque illatos ab hoſtis gladio & inſidiis ſanare languores.

Quoniam igitur hæc Sancta Religio, aliquibus ſolutis conſtantiæ nodis, in luxum labentem ad tramites latitudinis, quæ ducit ad mortem, miſerabiliter declinavit, Occurrimus ſub Divino conſilio & ſpe cœleſtis adjutorii, ut Officii noſtri debito circa opportunam reformationem ſalubriter inſiſtamus.

OTHO-

Rules for Piety and Chaſtity in Religious Houſes.

A.D. 1222. 6 *H.* 3. *Lyndw.* Edit. Oxon. p. 206.

STEPHANUS.

Abbates Capellanum aut Capellanos ſuos ſingulis annis, ſi fieri poteſt, mutent.

UT, ſecundùm Canonicas Sanctiones, Abbatibus, a quibus Minores vivendi Normam habent aſſumere, ſuper honeſtâ Converſatione Teſtium copioſitas Suffragetur; Decernimus, ut ipſi Capellanos ſuos vel aliquem illorum ſingulis mutent annis. Qui autem habent unum tantùm, illum mutent ſimiliter, niſi neceſſaria cauſa ſubſuerit; quatenùs ſi de vitâ eorum, quod abſit, Scandalum oriatur, tantò plures Innocentiæ ſuæ habeant Teſtes, quantò eorum Vita pluribus innoteſcit.

Abbats ſhall change their Chaplains yearly, — that they may have the more Witneſſes of their Converſation.

A.D. 1268. 52 *H.* 3.

OTHOBON.

Summarium.

Religioſi frequenter & completè confiteantur, ut ſic frequenter & dignè celebrent, qui Sacerdotes ſunt: quocirca Prælati eorum inquirant ſingulis menſibus à deputatis ad audiendas Confeſſiones, an ſint, qui non fuerint confeſſi, & non celebraverint, & talem graviter arguant, & ad confitendum ac celebrandum inducant.

Othob. Edit. Oxon. p. 155.

AD hæc, quia ſcriptum eſt, quòd *ſepties in die cadit juſtus*; eò quòd nemo exiſtens in mortali corpore ſine crimine vivit, neceſſaria eſt multùm & utilis, præcipue Religioſis, Confeſſio, in quâ omnibus, quæ poſſent Deum offendere, vel conſcientiam premunt, cum cordis contritione diſcuſſis, & cum animi amaritudine recenſitis, accedant cum ſecuritate conſcientiæ ad orandum, & offerendum immaculatam Hoſtiam Deo in Altari.

Frequent Confeſſions, being of great Advantage to Religion,

Propter quod Statuimus, quòd Abbates, ſeu Priores, vel Superiores, eis abſentibus, frequenter inquirant, ſaltem ſemel in menſe, Confeſſores Monachis deputatos, de nominibus confitentium Monachorum; ut ſic illos, qui non confitentur frequenter, graviter arguant, & ad confitendum inducant. Quod Mandamus contra Monachos in Sacerdotio conſtitutos, qui non frequenter celebrant, obſervari.

— the Governours of Houſes ſhall make a Monthly Enquiry, who do duly obſerve them.

A.D. 1281. 9 *Edw.* 1.

JOHANNES PECCHAM.

Cum Monialibus inceſtum committentes, Excommunicantur; abſolvendi, niſi in mortis articulo, à ſolo Epiſcopo, cui etiam confiteantur, ſi mortis periculum evaſerint.

Lyndw. Edit. Oxon. p. 322.

TAntum invaluit deteſtandæ lubricitatis enormitas, ut quidam nec Legibus, nec Canonibus ad Caſtitatem Sanctimonialium excitandam editis, deferentes, cum eis [c] Sacrilegium & inceſtum committere non formidant; cui horrendo flagitio remedium apponere cupientes, omnes tàm Clericos quàm Laicos hujuſmodi turpitudinis perpetratores majoris Excommunicationis Sententiâ innodamus: Solis Epiſcoporum hujuſmodi perſonis abſolutionem Sententiæ reſervantes, excepto mortis articulo, in quo abſolvi valeant à quolibet Sacerdote; ſic ut ſi convaluerint, peccatum ſuum hujuſmodi teneantur ſub pœna Anathematis infra ſpatium trium menſium propriis Epiſcopis confiteri, aut, Sede Epiſcopali vacante, Cuſtodi Spiritualitatis, aut Decano Eccleſiæ Cathedralis.

Any Perſon, committing Inceſt with a Nun, — ſhall incur the greater Excommunication, and be abſolved by the Biſhop alone.

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[c] Sacrilegium & Inceſtum] Sacrilegium, *quia eſt res Sacra:* Inceſtum, *quia ſponſa Dei eſt, qui eſt Pater noſter.* 27. *q.* 1. Virginibus.

CAP. VII.

General Chapters *of the Religious.*

JOHANNES PECCHAM.

A.D. 1281.
9 *Edw.* 1.

Domus, quæ per Ceremonias ab Ordine Sancti Auguſtini alienatæ ſunt, cogantur nihilominus ſalvis Ceremoniis Capitulo Generali intereſſe, aut inter ſe novum conſtituere.

The differences among the Religious of the Order of St. *Auguſtin* in *Ceremonies,* —ſhall not hinder thoſe who differ, from joyning in the general Chapters,

General Chapters of the Religious.

Lyndw. Edit. Oxon. p. 213.

PLures invenimus Religioſas Domus Ordinis *d* Sancti *Auguſtini,* quæ pro eo quòd olim quibuſdam *e* matricibus Eccleſiis *f* ultramarinis *g* adhæſerant, à quibus modo, imò jam diuturno tempore, * ſeparatæ noſcuntur, occaſione quarundam *h* Ceremoniarum à dictis matricibus domibus receptarum, per quas diſcrepant à cæteris ejuſdem Ordinis domibus in *Cantuarienſi* Provincia conſtitutis, non conveniunt cum cæteris in Capitulo Generali ſingulis trienniis juxta *i* Concilium Generale celebrando. Et quia turpis eſt pars, quæ non convenit ſuo toto, Statuimus, ut de cætero omnes hujuſmodi domus, ſalvâ Ceremoniarum ſuarum obſervantiâ, ſpecialiter moneantur per locorum Epiſcopos, ut conveniant cum *k* aliis Canonicis in Capitulo Generali, de regimine & reformatione Ordinis communiter tractaturi. Vel ſi *l* inter eos *m* & alios quantum ad *n* ſubſtantialia Religionis ſuæ ſit notabilis diverſitas, ſibi ipſi ſeparatim conſtituant Capitulum Generale, alioquin hoc facere per cenſuram Eccleſiaſticam compellantur.

—or from holding a general Chapter of their own, if the difference be in *Subſtantials.*

d Sancti Auguſtini] *Utputà, Canonicorum Regularium, & aliorum, qui profitentur Regulam B. Auguſtini. Sunt enim tres Regulæ, à parte Juris Communis, quarum alteri obligantur Religioſi,* viz. *S. Benedicti, Baſilii, & Auguſtini. Wil. tamen in Cle.* 1. *de Decimis, verb. Religioſi, dicit, quòd omnes Religioſi militant ſub unâ de tribus Regulis,* viz. *Benedicti, Auguſtini, vel Franciſci. Si Franciſcus ſupplantaverit Baſilium, neſcio: Scio tamen, ſecundùm Decreta, eſt* Baſilii, *non* Franciſci. Lyndw.

e Matricibus Eccleſiis] *Sic dictis, quia ab eis, tanquam filiæ à matribus, procedebant.* Lyndw.

f Ultramarinis] *Inter Monachos, patet Exemplum de Cluniacenſibus, Ciſtercienſibus & Carthuſienſibus. Patet etiam de Domo S. Antonii Lond. cujus Domus Superior eſt in Regno Navarr'. apud Viennam, & eſt Ordinis S. Auguſtini. Patet etiam hodiè Exemplum de Domo de Sion, Ordinis S. Brigittæ, London'. Diæceſ. cujus Domus Principalis eſt in Waſtenâ in regno Sueciæ, & vivunt ſub Regulâ S. Auguſtini.* Lyndw.

g Adhæſerant] *Sc. tanquam Membra, & ab eis dependentes.* Lyndw.

* Separatæ] *Forſan, auctoritate Sedis Apoſtolicæ, vel de conſenſu Domûs Superioris, quæ benè potuit renunciare Juri ſibi competenti in Domo Inferiori & ſibi ſubjectâ.* Lyndw.

h Ceremoniarum] *Quæ conſiſtunt in variatione Obſequiorum, in diſcretione Ciborum —— in differentiis Colorum Veſtium, & hujuſmodi.* Lyndw.

i Concilium Generale] *Lateran. Sub Innoc.* 3. c. 12. *In ſingulis Regnis ſive Provinciis, fiat, de triennio in triennium (ſalvo jure Diæceſanorum Pontificum) commune Capitulum Abbatum, atque Priorum Abbates proprios non habentium,* &c.

k Aliis Canonicis] *Supple, Ejuſdem Ordinis.* Lyndw.

l Inter eos] *Scil. qui olim adhærebant Alienigenis.* Lyndw.

m Et alios] *Indigenas de Provinciâ Cantuarienſi.* Lyndw

n Subſtantialia] *Quæ conſiſtunt in tribus, Scil. Abdicatione Proprietatis, Obſervatione Caſtitatis, & Obedientiâ.* Lyndw.

CAP. VIII.

Constitutions *of the Religious.*

OTHOBON.

A.D. 1268.
52 *H.* 3.

Summarium.

Juxta Conſtitutionem dicti Legati, jubentis ut Prælati continuò poſt Regulam ſcribi faciant Conſtitutiones Summorum Pontificum, ad morem præcipuè pertinentes, ut ſunt in hoc Statuto memoratæ, Statuit, ut eas ſic ſcriptas Magiſter Novitiorum ita diligenter ipſos Novitios eas doceat, ut ferè ediſcant. Et ut prædictæ Conſtitutiones quotannis bis, ſcilicet in principio Adventûs & in Quadrageſimâ, convocatis Monachis, in ſingulis Capitulis perlegantur.

Ignorance being the Mother of Error,

Othob. Edit. Oxon. p. 143.

POrrò cum Ignorantia, mater Erroris, ita in interitum ducat, ut cæcus ambulans in tenebris illius non ſentiat prius damnum quàm incurrat, prædictus Legatus ſalubri Conſtitutione *o* Decrevit, ut Abbates & Priores continuè poſt Regulam ſcribi faciant Conſtitutiones & Sanctiones Sanctorum Pontificum ad eos & ad eorum Ordi-

o Decrevit] *Sub* Generalitate. J. de Athon.

Conſtitutions of the Religious.

nem præcipuè pertinentes, quæ in compilatione Domini *Gregorii* Papæ Noni in ſubſcriptis Titulis continentur; viz. de Titulis, *De Regularibus. c. ex parte tua.* &c. *Statuimus.* &c. *nè Religioſi. De ſtatu Monachorum. capit. Monachi. capitulo, Cùm ad Monaſterium. c. in ſingulis. c. ea quæ. De Simonia. c. quoniam Simoniaca labes. De ſententia Excommunicationis. c. Monachi. c. Univerſitatis. c. cum illorum abſolutio. c. de Monialibus. De Fidejuſſoribus. c. quod quibuſdam. De ſolutionibus. c. ſi quorundam Decretales.* Nos autem adjiciendo Statuimus, & diſtrictè Præcipimus, ut Magiſtri Novitiorum eos in Regula Sancti *Benedicti*, vel Sancti *Auguſtini*, ſeu quâcunque aliâ doceant & inſtruant diligenter, ita quòd quilibet Monachorum & Religioſorum Regulam plenè addiſcat, vel quaſi corde tenus eam ſciat.

—the chief Conſtitutions relating to the Religious ſhall be written after the *Rule*,

—and learnt,

Prædictæ verò Conſtitutiones in ſingulis Monaſteriis bis in anno, in principio ſcilicet Adventûs, & in capite Quadrageſimæ, omnibus convocatis, in Capitulo perlegantur.

—and read, publickly twice a year.

CAP. IX.

The Ordering of the TEMPORAL POSSESSIONS *of Religious Houſes.*

A.D. 1222.
6 *H.* 3.

The Ordering of the Temporal Poſſeſſions of Religious Houſes.

STEPHANUS.

Sine Diœceſani aſſenſu, & id urgente neceſſitate, nemo ſtipendia Eccleſiaſtica in quemvis ad perpetuum, aut ad tempus, conferat.

Lyndw. Edit. Oxon. p. 151.

ET ſecundùm Canonicas ſanctiones & *infrà.* Volumus ut Prælati domorum religioſarum corrodia vel ſtipendia Clericis vel Laicis non vendant nec gratis concedant imperpetuum vel ad tempus; niſi urgens neceſſitas expoſcat & diœceſani accedat aſſenſus.

Governours of Religious Houſes ſhall not ſell, or give Corrodies, in perpetuity.

A.D 1268.
52 *H.* 3.

OTHOBON.

Summarium.

Prælati Monaſteriorum nemini poſthac in gravamen Domûs ſuæ vendant Liberationes ſeu Corrodia, & ſi cui ad perpetuum vendiderint, aut aſſignaverint, poſt illius vitam non reaſſignent hæredi, ſub Anathematis pœna.

Othob. Edit. Oxon. p. 150.

VOlentes etiam Eccleſiarum indemnitatibus providere, illud vitium Extirpamus, quo quidam Abbates, & Priores, & aliarum Eccleſiarum Rectores, & Cuſtodes Hoſpitalium, cupiditatis ardore, qui eorum corda vehementer inflammat, interveniente pretio, potiùs perſonis quàm Eccleſiis conſulentes, ad certum tempus vel ad vitam illorum, quibus fit conceſſio, [p] certum quid (quod communiter [q] Liberationes appellant) communiter vendunt & aſſignant, pro vitæ neceſſariis, ſingulis diebus, vel certis temporibus exſolvendum. Ex quo fit ut Eccleſiis, Hoſpitalibus, & Monaſteriis in dictarum Liberationum exactione & ſolutione gravatis, illorum, qui debent Eccleſiis & Monaſteriis deſervire, ac infirmorum & pauperum, ad quorum ſuſtentationem hujuſmodi bona ſunt ſpecialiter aſſignata, numerus minuatur: per quod Eccleſiæ ſervitiis debitis, & pauperes ac infirmi alimoniis defraudantur; in eorum, qui concedunt, Animarum periculum, & ſcandalum manifeſtum.

The granting of Liveries for a certain term, or for Life,

—diſables the Houſes, *&c.* to maintain the Service of God, and Hoſpitality;

Propter quod diſtrictius Inhibemus, nè unquam perſonis aliquibus hujuſmodi Liberationes [r] vendantur. Et ſi aliquæ ante hanc noſtram Conſtitutionem conceſſæ fuerint in perpetuum, vel ad tempus, reſignantibus vel decedentibus illis qui eas obtinuerunt hactenus, Abbates, Priores, Rectores, & Cuſtodes præfati eas de novo eorum hæredibus * non concedant.

—and therefore no more Liveries ſhall be granted,

* MS. add. *vel aliis.*

Quòd ſi ſint, qui contra hoc ſalubre Statutum aliquid attentare præſumpſerint, Anathematis vinculo feriantur, & niſi id revocaverint, ab Officio ſint ſuſpenſi.

—upon pain of Anathema.

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[p] Certum quid] *Putà, Panis & Cerviſiæ certam menſuram, cum aliis Victualibus in Contractu ſpecificatis.* J. de Athon.

[q] Liberationes] *Aliàs verò nuncupantur* Corrodia. J. de Athon.

[r] Vendantur] *Multò fortiùs, nec donentur; cùm ex Donatione minor proveniat utilitas Eccleſiæ, quàm ex pretio Venditionis.* J. de Athon.

The Ordering of the Temporal Poſſeſſions of Religious Houſes.

A.D. 1503.

19 Henr. VII. Cap. 14.

In an Act, Entituled, *An Act for Puniſhment of unlawful Retainours, and giving of Liveries.*

Notwithanding the Stat. 19 *H.* 7. c. 14. Governours of Religious Houſes may give Corrodies as uſual.

----Provided alſo, that this Act extend not to any Liverie to be given by any Abbot or Prior, or any other chiefe head, Governour, or officer of any Monaſterie, Abbey, or Priorie, or other place corporate, given to their fearmours, or tenants, or otherwiſe according as it hath beene accuſtomed and uſed in the ſame Monaſterie, Abbey or Priorie.

STEPHANUS.

A.D. 1222. 6 *H.* 3.

Nec Monachus, nec Regularis quicquam Eccleſiæ ſuæ ad firmam retineat, nec cuſtodiam Prædii aut Manerii ad longum tempus ſuſcipiat, nec Eccleſiam, in qua ſibi aliquid Juris vendicat, ad firmam capiat.

No Religious ſhall farm any of the Poſſeſſions of the Houſe, —nor have the cuſtody of a Manour, —nor farm a Church, in which they have an Intereſt.

Lyndw. Edit. Oxon. p. 268.

CUM viris Religioſis, & *infrà.* Decernimus, ut nec Monachus, nec Canonicus Regularis Eccleſiam, Manerium, Prædium, vel quodlibet aliud Eccleſiæ ſuæ audeat ad firmam retinere. Diſtrictius etiam Inhibemus, nè alicui Monacho, vel Canonico Regulari, qui non ſit alias [s] obedientialis, cuſtodia Manerii committatur, ita quòd ex ipſius longa mora vel converſatione ſcandalum oriatur: quòd ſi contra præſumptum fuerit, per Superiorem emendetur. Item viri Religioſi non capiant Eccleſiam ad firmam, in qua ſibi aliquid Juris vendicant, [t] ſaltem poſt mortem Perſonæ: quod ſi fecerint, Superioris arbitrio puniantur.

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[s] Obedientialis] *i.e. Quin remaneat ſub Obedientiâ Prælati ipſius Monaſterii; ſic quòd non poſſit jure proprio, & per viam Adminiſtrationis perpetuæ, Officium ſibi commiſſum adminiſtrare, & nullatenùs à tali Officio removeri ad libitum ipſum deputantis.* Lyndw.

[t] Saltem poſt mortem] *Ratio eſt, ne ſub hoc colore detur eis vitioſus ingreſſus ad occupandum ſive talem Eccleſiam, ſive tale Jus, ſine Superioris auctoritate.* Lyndw.

OTHOBON.

A.D. 1268. 52 *H.* 3.

Summarium.

In antiquis Monaſteriis & Eccleſiis Cathedralibus ſervetur antiquus Deo ibidem deſervire ſolitorum numerus.

The Worſhip of God being made more glorious, by Numbers, —the ancient number of Monks ſhall be kept up.

Othob. Edit. Oxon. p. 151.

* MS. *Obrepere.*

CÆterum cùm juxta Sapientiæ doctrinam, in multitudine Populi ſit dignitas Regis, & in paucitate Plebis ignominia Principis, nulla debet avaritia, nulla debet deſidia vel contemptus * arripere, ut Regis Regum cultum attenuet colentium paucitas, & contra multiformis nequitiæ hoſtem minuatur exercitus bellatorum.

Ideoq; Statuimus, & diſtrictè Præcipimus, ut in ſingulis Monaſteriis, & in his præcipuè, quæ ſunt Eccleſiæ Cathedrales, ſervetur antiquus numerus Monachorum.

STEPHANUS.

A.D. 1222. 6 *H.* 3.

Tam Obedientiales quàm Prælati faciant de rebus Monaſterii quater aut ſaltem bis coram ſuis rationem; ad quam de propriis, ſi quæ habent, non tenentur Prælati.

The Obedientiaries, and greater Prelates, ſhall account before the Convent, at leaſt twice a year; —Prelates excepted, who have ſeparate Poſſeſſions.

Lyndw. Edit. Oxon. p. 204.

* *Vitæ*, MS. Æton.

UT rectius gerantur omnia, ſi exteriorum adminiſtratio [u] Clauſtralium reſponderit * ritè quieti, Statuimus, ut tam [w] Obedientiales rerum Monaſterii quàm Prælati majores quater aut bis ad minus in anno coram fratribus à Conventu ad hoc deputatis, vel coram ſuperioribus juxta Monaſterii conſuetudinem, reddant de receptis & expenſis omnibus rationem. Ad hoc autem illos [x] Prælatos ex iſta Conſtitutione nolumus obligari, qui poſſeſſiones habent a Monachis, vel Canonicis Regularibus ſeparatas.

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[u] Clauſtralium] *Qui ſic dicuntur, eò quòd licet Adminiſtrationem ad extrà habeant, nihilominùs Clauſtrum, ceſſante ſolicitudine circa eorum Officia, exercere tenentur.——Dicuntur habere Adminiſtrationes, hi qui regunt Officia ordinata in Monaſterio, utputà* Camerarius, Veſtiarius, Eleemoſynarius, *& hujuſmodi.* Lyndw.

[w] Obedientiales] *Hi ſunt, qui ſub Obedientiâ ſuorum Prælatorum ſunt, & habent certa Officia adminiſtranda interiùs vel exteriùs.* Lyndw.

[x] Prælatos] *i.e. Abbates, vel Priores.* Lyndw.

OTHO-

The Ordering of the Temporal Poſſeſſions of Religious Houſes.

OTHOBON.

Summarium.

A.D. 1268. 52 *H.* 3.

Prælati Superiores non habentes, reddant quotannis, ſaltem ſemel, Rationem Adminiſtrationis ſuæ coram Conventu, aut deputatis ab eo, aliter ab Adminiſtratione ſuſpendantur.

Othob. Edit. Oxon. p. 151.

DE Prælatis autem, & Adminiſtrationibus, atq; Officialibus, Statuimus, ut Abbates, & Priores proprios Abbates non habentes, ſaltem ſemel in anno, præſente toto Conventu, vel aliquibus de Senioribus vel prudentioribus, ad hoc à Capitulo deputatis, reddant de ſtatu Monaſterii & Adminiſtratione ſuâ plenariam Rationem.

Abbots and Priors ſhall account before the Convent, at leaſt once a year,

Si quis verò Prior vel Abbas Statutum hujuſmodi neglexerit obſervare, ipſo facto, donec id fecerit, à ſuis Adminiſtrationibus ſit ſuſpenſus.

—upon pain of Suſpenſion.

CAP. X.

PROTECTIONS, *and* DISCHARGES *from* IMPOSITIONS, *granted to Religious Eſtates and Houſes.*

A.D. 1267.

52 Henr. III. Cap. 28.

Remedies for Succeſſors of Prelates for wrongs done to their Predeceſſors, &c.

Protections, and Diſcharges from Impoſitions, granted to Religious Eſtates and Houſes.

It is provided, that if any wrongs or treſpaſſes be done by Abbots, or other Prelates of the Church, and they have ſued their right for ſuch wrongs, and be prevented with death before judgment given therein: their ſucceſſors ſhall have actions to demand the goods of their Church out of the hands of ſuch treſpaſſers. Moreover, the ſucceſſors ſhall have like action for ſuch things as were lately withdrawn by ſuch violence from their Houſe and Church, before the death of their predeceſſors, though their ſaid predeceſſors did not purſue their right during their lives. And if any intrude into the Lands or Tenements of ſuch religious Perſons in the time of vacation, of which lands their predeceſſors died ſeiſed as in the right of their Church, the ſucceſſors ſhall have a Writ to recover their ſeiſin. And damages ſhall be awarded them, as in Aſſiſe of Novel diſſeiſin is wont to be.

Succeſſors of Religious Prelates ſhall have Remedy for wrongs done to their Predeceſſors, —or to their Houſe in time of Vacation.

A.D. 1275.

3 Edw. I. Cap. 47.

In what Caſe the Nonage of the Heir of Diſſeiſor or Diſſeiſee ſhall not prejudice.

It is provided alſo, that if any from henceforth purchaſe a Writ of Novel diſſeiſin, and he againſt whom the Writ was brought as principal diſſeiſor, dieth before the Aſſiſe be paſſed, then the Plaintiff ſhall have his Writ of Entrie upon diſſeiſon againſt the heir or heires of the diſſeiſor, or diſſeiſors (of what age ſoever they be.) In the ſame-wiſe the heir or heirs of the diſſeiſee ſhall have their Writs of Entrie againſt the diſſeiſors, or their heirs, of what age ſoever they be, if peradventure the diſſeiſee die before that he hath purchaſed his Writ: So that for the Nonages of the heirs of the one party nor of the other, the Writ ſhall not be abated, nor the plea delayed, but as much as a man can without offending the Law, it muſt be haſted to make freſh ſuit after the diſſeiſin. And in like manner this ſhall be obſerved in all points for the right of [y] Prelates, men of Religion, and other, to whom Lands and Tenements can in no wiſe deſcend after others death, whether they be diſſeiſees or diſſeiſors. And if the parties in pleading come to an enqueſt, and it paſſeth againſt the heir within age, and namely, againſt the heir of the diſſeiſee, that in ſuch caſe he ſhall have an attaint of the Kings ſpeciall Grace without giving any thing.

Prelates, being Religious, ſhall have the *Writs of Entry*, as the Heir of Diſſeiſor or Diſſeiſee hath during *Nonage.*

2 Inſt. p. 258.

[y] **Prelates**] This Clauſe (ſaith my Lord *Coke*,) is to be underſtood of Eccleſiaſtical Perſons that be *Regular*, and not of ſuch as be Secular: for the Regular are dead Perſons in Law, to whom no Lands can deſcend after the death of any other. But to the Secular, as to Biſhops, Parſons, Vicars, and the like, Lands may deſcend, and therefore they are not within this Clauſe, but within the former Branches of this Act, for ſuch Lands as they are ſeiſed of, to them and their Heirs, in their *natural* Capacity.

Protections, and Diſcharges from Impoſitions, granted to Religious Eſtates and Houſes.

A.D.1275.

3 Edw. I. Cap. 1.

Religious Houſes ſhall not be overcharged.

Religious Houſes being overcharged by the reſort of Great Men,

None but the Founder ſhall henceforth lodge at any of them; —and no other, tho' at their own Coſts, without conſent of the Houſe; —nor ſhall any fiſh, hunt, or lodge, without leave.

They ſhall not break doors, nor take victuals, by colour of buying, or otherwiſe; —nor Horſes for Carriage, without conſent, and payment.

Offenders ſhall be impriſoned, and fine at the Kings Will, and pay double damages; —and, being indicted by the Inqueſts made by the K. yearly, and not coming at the third Summons, —they ſhall yeild double damages, and make Fine.

None ſhall hurt the Religious, for denying meat, &c. upon the ſame penalties.

Religious ſhall not receive any, contrary to this Act.

Servants, Horſes, &c. ſhall not be ſent to be maintained, nor be received.

Sheriffs ſhall not grieve Religious, by often coming.

FIrſt, the King willeth and commandeth, that the Peace of Holy Church, and of the Land be well kept and maintained in all points, and that common right be done to all, as well poor as rich, without reſpect of perſons. And becauſe that Abbeys and Houſes of Religion of the Land, have been overcharged, and ſore grieved, by the reſort of great men and other, ſo that their goods have not been ſufficient for themſelves, whereby they have been greatly hindred and impoveriſhed, that they cannot maintain themſeves nor ſuch charity as they have been accuſtomed to do: It is provided that none ſhall come to eat or lodge in any Houſe of Religion of any others foundation then of his own at the coſts of the Houſe, unleſs he be required by the Governour of the Houſe before his coming thither. And that none, at his own coſts, ſhall enter and come to lie there againſt the will of them that be of the Houſe. And by this Statute the King intendeth not, that the grace of Hoſpitality ſhould be withdrawn from ſuch as need, nor that the Founders of ſuch Monaſteries ſhould over-charge, or grieve them by their often coming. It is provided alſo, that none, high nor low, by colour of kindred, affinity or alliance, or by any other occaſion, ſhall courſe in any Park, nor fiſh in any Pond, nor come to eat or lodge in the Houſe or Mannor of a Prelate, or any other Religious Perſon, againſt the will or leave of the Lord or his Bailiff, neither at the coſt of the Lord, nor at his own. And if he come in or enter with the good-will, or againſt the will of the Lord or his Bailiff, he ſhall cauſe no door, lock nor window, nor nothing that is ſhut, to be opened or broken by himſelf nor any other, nor no manner of victual nor other thing ſhall take by colour of buying nor otherwiſe; and that none ſhall threſh Corn, nor take Corn, nor any manner of victual, nor other goods of a Prelate, man of Religion, nor any other Clerk, or lay-perſon, by colour of buying or otherwiſe, againſt the will and licence of him to whom the thing belongeth, or of the Keeper, be it within Market-town or without. And that none ſhall take horſes, oxen, ploughs, carts, ſhips, nor barges, to make carriage, without the aſſent of him to whom ſuch things belong. And if he do it by the aſſent of the party, then incontinent he ſhall pay according to the covenant made between them. And they that offend againſt theſe Acts, and thereof be attainted, ſhall be committed to the King's Priſon, and after ſhall make fine, and be puniſhed according to the quantity and manner of the treſpaſs: and after as the King in his Court ſhall think convenient. And it is to be known, that if they to whom ſuch treſpaſs was done, will ſue for damages, they ſhall be thereto received, and the ſame ſhall be awarded and reſtored to the double. And they that have done the treſpaſs ſhall be likewiſe puniſhed in the manner aboveſaid. And if none will ſue, the King ſhall have the ſuit, as for a thing committed againſt his commandment, and againſt his Peace. And the King ſhall make enquiry from year to year, what perſons do ſuch treſpaſſes, after as he ſhall think neceſſary and convenient. And they that be indicted by ſuch Inqueſts ſhall be attached and diſtrained by that great diſtreſs, to come at a certain day containing the ſpace of a month, into the King's Court, or where it ſhall pleaſe the King; And if they come not at that day, they ſhall be diſtrained again of new by the ſame diſtreſs, for to come at another day, containing the ſpace of ſix weeks at the leaſt; and if they come not then, they ſhall be judged as attainted, and ſhall yield double damages (at the King's ſuit) to ſuch as have taken hurt or damage, and ſhall make grievous fine after the manner of the treſpaſs. And the King forbiddeth and commandeth, that none from henceforth do hurt, damage or grievance to any Religious man or perſon of the Church, or any other, becauſe they have denied meat or lodging unto them, or becauſe that any complaineth in the King's Court, that he hath been grieved in any of the things above-mentioned. And if any do, and hereof be attainted, he ſhall incur the pein aforeſaid. And it is further provided, that the points aforeſaid ſhall as well bind our Councellors, Juſticers of Foreſts, and other Juſtices, as any other perſons, and that the aforeſaid points be maintained, obſerved and kept. Likewiſe the King forbiddeth upon grievous forfeitures, that no Prelate, Abbot, Man of Religion or Bailiff of any of them, or of other, receive any Man contrary to the form aforeſaid. And that none ſhall ſend to the Houſe or Mannor of a Man of Religion, or of any other perſon, his men, horſe, or dogs, to ſojourn, nor none ſhall them receive; and he that doth (ſeeing the King hath commanded the contrary) ſhall be grievouſly puniſhed: yet it is further provided, that the Sheriff from henceforth ſhall not lodge with any perſon, with any more than five or ſix horſes; And that they ſhall not grieve Religious men, nor other, by often coming and lodging, neither at their Houſes nor their Mannors.

9 Edw. II. Cap. 2.

A.D.1315.

Religious Houſes ſhall not be charged by compulſion, with Corrodies, Penſions, Reſort, or taking of their Horſes or Carts.

Religious Houſes, being charged with Corrodies, Penſions, &c.

ALSO it is deſired, that our Lord the King, and the Great Men of the Realm, do not charge Religious Houſes or Spiritual Perſons for corrodies, penſions, or ſojourning in Religious Houſes, and other places of the Church, or with taking up horſe or carts, whereby ſuch Houſes are impoveriſhed, and Gods Service diminiſhed, and by reaſon of ſuch charges, Prieſts and other Miniſters of the Church deputed unto Divine Service are oftentimes compelled to depart from the places aforeſaid. The Anſwer. The Kings pleaſure is, That upon the con-

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Protections, and Diſcharges from Impoſitions, granted to Religious Eſtates and Houſes.

tents of their petition, from henceforth they ſhall not be unduly charged. And if the contrary be done by great men or other, they ſhall have remedy after the form of the Statutes made in the time of King Edward, Father to the King that now is. And like remedy ſhall be done for corrodies and penſions exacted by compulſion, whereof no mention is made in the ſaid Statutes.

—ſhall have like remedy, as in the caſes in Stat. 3. *Edw.* 1.

A.D.1305.

35 Edw. I.

Statutum de Aſportatis Religioſorum, made Anno 35 *Edw.* 1. & Anno Dom. 1307.

Cap. I.

The cauſes of Erection of Abbies. Impoſitions ſet by Priors Aliens.

[k] OF late it came to the knowledge of our Lord the King, by the grievous complaint of the Honourable perſons, Lords, and other Noble-men of his Realm, that whereas Monaſteries, Priories, and other Religious houſes were founded to the honour and glory of God, and the advancement of the holy Church, by the King and his Progenitors, and by the ſaid Noble-men and their Anceſtors; and a very great portion of Lands and Tenements have been given by them to the ſaid Monaſteries, Priories and houſes, and the Religious men ſerving God in them, To the intent that Clerks and Lay-men might be admitted in ſuch Monaſteries, Priories and Religious Houſes, according to their ſufficient ability, and that ſick and feeble men might be maintained, hoſpitality, alms giving, and other charitable deeds might be done, and that in them prayers might be ſaid for the ſouls of the ſaid founders and their heirs: The Abbots, Priors, and Governours of the ſaid houſes, and certain Aliens their ſuperiours, as the Abbots and Priors of Ciſtercienſes, and Præmonſtratenſes, and of the order of St. Auguſtine, and St. Benedict, and many more of other Religion and Order, have at their own pleaſures ſet divers unwonted, heavy and importable tallages, payments, and impoſitions upon every of the ſaid Monaſteries and Houſes in ſubjection unto them in England, Ireland, Scotland, and Wales, without the privity of our Lord the King and his Nobility, contrary to the Laws and Cuſtoms of the ſaid Realm; And thereby the number of Religious perſons, and other ſervants in the ſaid Houſes and Religious places being oppreſſed by ſuch tallages, payments, and impoſitions, the ſervice of God is diminiſhed, alms be not given to the poor, the ſick and feeble, the healths of the living, and the ſouls of the dead be miſerably defrauded, hoſpitality, alms-giving, and other godly deeds do ceaſe; And ſo that which in times paſt was charitably given to godly uſes, and to the increaſe of the ſervice of God, is now converted to an evil end; By permiſſion whereof there groweth great ſcandal to the people, and infinite loſſes and diſheritances are like to enſue to the Founders of the ſaid Houſes, and their heirs, unleſs ſpeedy and ſufficient remedy be provided to redreſs ſo many and grievous detriments:

Religious Houſes were founded and endowed by Kings, and Noblemen,

—for divers good and charitable Ends;

—but certain Superiors, being Aliens, ſet great Taxes upon the Houſes in ſubjection to them, here,

—whereby the ſaid Ends are defeated,

—and the Founders defrauded.

II. Wherefore our foreſaid Lord the King, conſidering that it would be very prejudicial to him and his people if he ſhould any longer ſuffer ſo great loſſes and injuries to be winked at, and therefore being willing to maintain and defend the Monaſteries, Priories, and other Religious houſes erected in his Kingdom, and in all lands ſubject to his Dominion, and from henceforth to provide ſufficient remedy to reform ſuch oppreſſions as he is bound: By the counſel of his Earls, Barons, great Men, and other Nobles of his Kingdom in his Parliament holden at Weſtminſter, in the five and thirtieth year of his Reign, hath ordained and enacted,

For remedy of which ſaid Evil,

[k] Of late] Of this Statute, ſee what is ſaid before, in Pag. 65.

Cap. II.

Religious Perſons ſhall ſend nothing to their Superiours beyond the Seas.

THAT no Abbot, Prior, Maſter, Warden, or any other Religious perſon, of whatſoever condition, ſtate or Religion he be, being under the Kings power or juriſdiction, ſhall by himſelf, or by Merchants, or others, ſecretly or openly, by any device or means, carry, or ſend, or by any means cauſe to be ſent, any tax impoſed by the Abbots, Priors, Maſters, or Wardens of Religious houſes their Superiours, aſſeſſed amongſt themſelves, out of his Kingdom and his Dominion, under the name of a Rent, Tallage, or any kind of impoſition, or otherwiſe by the way of exchange, mutual ſale, or other contract howſoever it may be termed. Neither ſhall depart into any other Country for viſitation, or upon any other colour by that means to carry the goods of their Monaſteries and Houſes out of the Kingdom and Dominion aforeſaid. And if any will preſume to offend this preſent Statute, he ſhall be grievouſly puniſhed according to the quality of his offence, and according to his contempt of the Kings prohibition.

1. None ſhall carry or ſend ſuch Taxes to their Superiors beyond the Seas.

Protections, and Diſcharges from Impoſitions, granted to Religious Eſtates and Houſes.

Cap. III.

No Impoſitions ſhall be taxed by Priors aliens.

2. No Governours, being Aliens, ſhall impoſe ſuch Taxes.

MOreover, our foreſaid Lord the King doth inhibit all and ſingular Abbots, Priors, Maſters and Governours of Religious Houſes and Places, being Aliens, to whoſe authority, ſubjection, and obedience the Houſes of the ſame Orders in his Kingdom and Dominion be ſubject, that they do not at any time hereafter impoſe, or by any means aſſeſs any tallages, payments, charges, or other burdens whatſoever, upon the Monaſteries, Priories, or other Religious Houſes in ſubjection unto them (as is aforeſaid) and that upon pain of all that they have or may forfeit.

Cap. IV.

By whom the common Seal of an Abbey ſhall be kept, and how uſed.

3. The Seal of every Religious Houſe, ſhall remain with the Abbot or Prior, and 4 others;

—and all Donations, *&c.* under any other, ſhall be void.

Aliens may viſit the Houſes ſubject to them.

AND further, our Lord the King hath ordained and eſtabliſhed, That the Abbots of the Orders of Ciſtercienſes and Præmonſtratenſes, and other Religious Orders, whoſe Seal hath heretofore been uſed to remain only in the cuſtody of the Abbot, and not of the Covent, ſhall hereafter have a common Seal, and that ſhall remain in the cuſtody of the Prior of the Monaſtery or Houſe, and four of the moſt worthy and diſcreet men of the Covent of the ſame Houſe, to be laid up in ſafe keeping under the private Seal of the Abbot of the ſame Houſe: So that the Abbot or Prior which doth govern the Houſe, ſhall be able of himſelf to eſtabliſh nothing, though heretofore it hath been otherwiſe uſed. And if it fortune hereafter, that writings of Obligations, Donations, Purchaſes, Sales, Alienations, or of any other Contracts be ſealed with any other Seal then ſuch a common Seal, kept as is aforeſaid, they ſhall be adjudged void, and of no force in Law. But it is not the meaning of our Lord the King to exclude the Abbots, Priors, and other Religious Aliens, by the Ordinances and Statutes aforeſaid, from executing their Office of Viſitation, in his Kingdom and Dominion, but they may viſit at their pleaſures, by themſelves or others, the Monaſteries and other places in his Kingdom and Dominion in ſubjection unto them, according to the duty of their Office, in thoſe things only that belong to regular obſervation, and the diſcipline of their Order.

Provided, that they which ſhall execute this office of viſitation, ſhall carry, or cauſe to be carried out of his Kingdom and Dominion none of the goods or things of ſuch Monaſteries, Priories, and Houſes, ſaving onely their reaſonable and competent charges.

The foreſaid Ordinances (having been ſuſpended for ſome time) ſhall now be inviolably obſerved.

AND though the publication and open notice of the Ordinances and Statutes aforeſaid was ſtayed in ſuſpence for certain cauſes ſithence the laſt Parliament until this preſent Parliament, holden at Carlile in the Octaves of St. Hillary, in the five and thirtieth year of the reign of the ſame King Edward, to the intent they might proceed with greater deliberation and advice: Our Lord the King, after full conference and debate had with his Earls, Barons, Nobles, and other great Men of his Kingdom touching the premiſſes, by their whole conſent and agreement hath ordained and enacted, That the Ordinances and Statutes aforeſaid, under the manner, form, and conditions aforeſaid, from the firſt day of May next enſuing, ſhall be inviolably obſerved for ever, and the offendors of them ſhall be puniſhed as is aforeſaid.

4 Edw. III. Cap. 6.

A.D. 1330.

A Confirmation of the Statute of Carlile.

The Statute forbidding Carriages of Religious beyond the Sea, ſhall be kept.

ITEM, It is accorded, that the Statute late made and affirmed at Carlile, that Religious perſons ſhould make no Carriage beyond the Sea, ſhall be maintained, kept, and obſerved in all points.

5 Edw. III. Cap. 3.

A.D. 1331.

A Confirmation of the Statute of Carlile.

Further Confirmation of the foreſaid Statute of *Carlile.*

ITEM, It is agreed, that the Statute made at Carlile, in the time of King Edward the King's Graundfather that now is, wherein is contained, that Religious men ſhall make no Carriage out of the Realm, ſhall be holden, kept, and maintained in all points.

15 Henr. VI. Cap. 7.

A.D. 1436.

An Act —— that Religious Perſons may make Attornies in all places of the Realm.

Divers Abbots and Priors, in the

Item, Our ſayd Sovereigne Lord the King, by aſſent of the Lords Spirituall and Temporall, and Commons aforeſayd, hath ordained and ſtabliſhed by authority aforeſaid: That from

Protections, and Diſcharges from Impoſitions, granted to Religious Eſtates and Houſes.

from henceforth all the Abbots, Priors, and other religious perſons, and their ſucceſſours, and every of them, which have lands and tenements or other poſſeſſions within any of the Wapentakes of Stainclife Wapentake or Friendleſſe Wapentake in Craven in the Countie of Yorke, may make their Atturneis general in all the Courts within the ſayd Wapentakes and every of them, that is to ſay, every of the Abbots, Priors, and religious perſons ſeverally under the common ſeale of his houſe, to winne and looſe in every maner of Plea, for any, or againſt any of them in the ſayd Courts, or any of them, mooved or to be mooved. And that the ſayd Abbots and Priors and religious Perſons and their ſayd Atturnies and every of them, may plead in the ſayd Courts and every of them, all maner of Pleas, which be pleadable in law and in the law allowable: and that every Steward and Bailiffe of or in any of the ſayd Courts for the time being, ſhall aſwell receive any Atturney in the maner aforeſaid to be made, as the ſayd Pleas by the ſaid Abbots, Priors, or religious Perſons, and by their ſayd Atturneis, and by every of them to be pleaded, without amercing the ſaid Abbotes, Priors, or religious perſons or any of them in the maner aforeſayd, or otherwiſe, then ſeculer perſons in like caſe without fraud ſhould be amerced. And that every of the Stewards and Bailiffes aforeſaid, at every time that he doth contrary to this ordinance, ſhall forfeite and pay to the King x. li. and that every perſon which will ſue for the King in this caſe, ſhall have a Writ of debt founded upon this Statute, and ſhall have the halfe for his labour, and the King the other halfe. And that in the ſame maner all other Abbots, Priors, and other religious Perſons and their Succeſſors, and any other ſeculer perſons within this Realme, in every Hundred and Wapentake within the ſame Realme, may make their Atturneis generall, to plead for them and every of them in the forme aforeſaid, that is to ſay, the ſayd Abbots, Priors, and religious Perſons under the common ſeale, and the ſeculer perſons under their ſeales. And if the Stewards, Bailiffes, or any Miniſter of any ſuch Hundred or Wapentake do contrary to the ſame, every of them ſhall forfeite to the King x. li. as afore is ſaid, and this Statute and Stabliſhment ſhall indure as long as it ſhall pleaſe the King.

Counties of *York* and *Lancaſter*, may appoint Attornies under the common Seal,

— by whom they may plead in the Courts;

— and the Stewards ſhall receive them, upon pain of 10 l.

All others, Religious and Secular, may in like manner make their Attornies.

TIT. LII.

DISSOLUTIONS of RELIGIOUS HOUSES.

THE CONTENTS.

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CAP. I.

Diſſolution of the KNIGHTS TEMPLARS.

13 Edw. I. Cap. 43.

A.D. 1285.

Hoſpitallers and Templers ſhall draw no Man into Suit, &c.

Diſſolution of Knights Templars.

Hoſpitallers, and Templars, ſhall bring no Man to Plea, before Keepers of their Privileges for temporal Matters,

—nor ſhall keepers grant Citations, in ſuch caſes,

—upon pain to yeild damages,

BE it prohibited from henceforth to *Hoſpitallers and *a* Templers, That hereafter they bring no man in Plea before the Keepers of their Privileges for any matter, the knowledge whereof belongeth to the King's Court; which if they do, firſt, they ſhall yield damages to the party grieved, and be grievouſly puniſhed unto the King. The King alſo prohibiteth to the Keepers of ſuch Privileges, that from henceforth they grant no Citations at the inſtance of Hoſpitallers, Templers, or other perſons privileged, before it be expreſſed upon what matter the Citation ought to be made. And if the Keepers do ſee that a Citation is required upon any matter, the knowledge whereof belongeth to the King's Court, the keepers ſhall neither make nor knowledge the Citation. And if the Keepers do otherwiſe, they ſhall yield damages to the party grieved, and nevertheleſs ſhall be grievouſly puniſhed by the King. And foraſmuch as ſuch perſons privileged, depute Keepers, Subpriors, Chantors, Sextons, which be religious men, and which have nothing to ſatisfie the parties grieved, nor the King; which be more bold to offend the King's dignity then their ſuperiors, to whom puniſhment may be aſſigned by their Temporalties: Let the Prelates of ſuch obedients therefore

* See afterwards, c. 4.

Gloſſ. in verb.

a **Templars**] They are thus deſcribed by Sir *H. Spelman*; "Templarii dicti ſunt, Ordo Militum qui in *Templo* "Hieroſolymis ſedem habuere: id voventes, ut peregrinis "tutum redderent Iter Hieroſolymitanum, venienteſque "exciperent Hoſpitio. Inſtitutus autem fuit hic Ordo, "ann. 1099." For, according to the Superſtitions of thoſe days, Pilgrimage to the Holy Land in Perſon, was thought to be great Merit, and one of the higheſt Acts of Devotion and Reverence to our Saviour; and the next to that, was, to Vow Pilgrimages thither on their Sick Beds, in caſe they recovered; or, if they did not recover, to leave Lands for the Maintenance of a Knight, to go thither and fight againſt the Infidels. For this alſo (*viz.* the *guarding of the Holy Land* againſt Infidels) was undertaken by that Order, as well as the Conducting and Entertaining of Pilgrims.

beware

Diſſolution of Knights Templars.

beware from henceforth, that they do not ſuffer their obedients to uſurp any juriſdiction in prejudice of the King and his Crown; and if they do, their ſuperiors ſhall be charged for their fact, as much as if they had been convict upon their proper Act.

—and if Obedients offend herein, the Superiors ſhall be charged.

A.D. 1323.

17 Edw. II.

Statutum de terris Templariorum, made *Anno* 17 *Ed.* 2. Stat. 3. *Anno. Dom.* 1323.

FOR that the military Order of Templers ceaſing and being *b* diſſolved, the lands and tenements in demeſns, fees and ſervices of the Brethren of the ſame Order which they held in their Fraternity in the Realm of England in the time of the ſame ceaſing and diſſolution of the foreſaid Order, which were holden of our Lord the King, and divers other Lords in this Kingdom, were ſeiſed into the hands of our Sovereign Lord the King, and of divers other Lords of the fees of them, who challenged the ſame Lands for the conſideration aforeſaid, that the ſame Lands ought to revert to them as their Eſcheats: Whereupon after, in a Parliament of the moſt noble Prince King Edward, Son of King Edward, ſummoned and aſſembled at Weſtminſter, three weeks after the day of the Purification of the bleſſed Virgin Mary, in the ſeventeenth year of the reign of the ſame King, great conference was had before the King himſelf, in the preſence of the Prelates, Earls, Barons, Nobles and great men of the Realm, and others there preſent, whether the foreſaid Lords of the fees, or others which held thoſe Lands that were the foreſaid Templers, as is aforeſaid, might retain them by the Law of the Realm, and with ſafe conſcience: Whereupon the greater part of the Kings Council, as well the Juſtices as other Lay-perſons, being aſſembled together, the ſaid Juſtices affirmed preciſely, that our Lord the King, and other Lords of the fees aforeſaid, might well and lawfully by the Laws of the Realm retain the foreſaid Lands as their Eſcheats, in regard of the ceaſing and diſſolution of the Order aforeſaid:

Upon the Diſſolution of the Templars, their Lands eſcheated to the K. and other Lords;

—which were alſo confirmed to them by judgment of Parliament;

II. But becauſe the Lands and Tenements aforeſaid were given to the Brethren of the ſaid Order for the Defence of Chriſtians, and the holy Land, againſt Pagans and Sarazens, and other Enemies of Chriſt and Chriſtians and the univerſal holy Church: It ſeemed good to our Lord the King, the Noble-men, and others aſſembled in the ſame Parliament, for the health of their Souls, and diſcharge of their Conſciences, that whereas the ſaid Military Order of Templers were originally inſtituted for the Defence of Chriſtians, and the univerſal holy Church, Subverſion of the Enemies of Chriſt and Chriſtians, and canoniſed to the augmentation of the honour of God, and liberal Alms-giving; That the foreſaid Lands and Tenements in demeſns, Lordſhips, Services, Liberties, cuſtoms, and all other things pertaining thereunto, and by any thing depending thereupon, according to the Wills of the Givers, ſhall be aſſigned and delivered to other men of moſt holy Religion, to the intent the fruits, obventions and profits of the ſaid Lands and Tenements, and other things may be converted and charitably diſpoſed to godly uſes: And thereupon in the ſame Parliament it is agreed, ordained and eſtabliſhed for Law to continue for ever, That neither our Lord the King, nor any other Lords of the fees aforeſaid, or any other perſon, hath title or right to retain the foreſaid lands and tenements, with the appurtenances or any part thereof, in regard of Eſcheat, or by any other means, or hereafter to challenge the ſame lands in reſpect of the ceaſing or diſſolution of the foreſaid military Order of Templars, whereof the Brethren of the ſame Order were ſeiſed in their Demeſns as of fee at the time of the ceaſing and diſſolution aforeſaid: Notwithſtanding that the foreſaid lands and tenements after the ſaid ceaſing and diſſolution, came to the hands of divers perſons by deſcent of inheritance, gift, or purchaſe, or by any other means: And notwithſtanding any Law or Cuſtom of the Realm of England, whereby this Law, Ordinance and Statute touching the aſſignment and conveyance of the foreſaid lands and tenements might be hindred, impugned, or counterpleaded:

—which Lands notwithſtanding, being given for Godly Ends, ought to be aſſigned to Men of Religion;

—and the king and Lords are declared to have no right to retain them, in regard of Eſcheat.

III. Seeing the Order of the Brethren of the Hoſpital of St. John of Hieruſalem was likewiſe ordained, inſtituted and canonized for the defence of Chriſtians and the holy Church; It is agreed and enacted in the ſaid Parliament by our foreſaid Lord the King, the Prelates, Earls, Barons, and other great men of the Realm there being, That inſomuch as the foreſaid Order of the Templers is ceaſed and diſſolved, and the foreſaid Order of the Hoſpital is provided, inſtituted and canonized for the defence of Chriſtians, as is aforeſaid, That all the Lands, Tenements, Lordſhips, Fees, Churches, Advowſons of Churches, and liberties, with all things to them belonging, which were the ſaid Templers at the time of their ceaſing and diſſolution, ſhall be aſſigned and delivered to the foreſaid Order of the Hoſpital, and to the Prior and Brethren of the ſame Hoſpital, to remain to them and their ſucceſſors for ever. Wherefore our ſaid Lord the King, by the mutual aſſent of the Earls, Barons, and Noblemen aforeſaid, of his Regal authority, in the ſame Parliament, hath aſſigned to determine and deliver all the foreſaid Lands, Tenements, Lordſhips, Fees, Churches, Advowſons and Liberties, with their appurtenances, to the foreſaid Order of the Hoſpital, and to the ſaid Prior and Brethren of the ſaid Order, To have and to hold to the ſame Prior and his Brethren and ſucceſſors for ever of our Lord the King, and other Lords of the fees aforeſaid, by the ſame ſervices, by which the Brethren of the Military Order of Templars held the ſame, at the time of their ceaſing and diſſolution: As in relieving of the poor, in Hoſpitalities, in celebrating Divine Service, defence of the holy Land, and in all other offices and ſervices beforetime due, by whatſoever names they be called. So always, that the godly and worthy will of the foreſaid givers to be obſerved, per-

The Order of St. *John* of *Jeruſalem*, being inſtituted for the ſame Ends,

—ſhall have all the Lands of the Templars;

—which the king and Lords aſſign to be delivered to the Prior and Brethren of the ſaid Order,

—for the ſaid pious Ends, ac-

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b Diſſolved] The whole Order was ſuppreſſed by Pope *Clement* the 5*th*. in a generl Council at *Vienna*, ann. 1312. many and great *Abuſes* having been charged upon them; and particularly, that inſtead of Conducting, they *Betray'd* and *Robb'd* the Pilgrims.

cording to the Will of the Donors.

Saving of right to others, to proſecute any Action,

—and to the Hoſpitallers, to recover their right.

Diſſolution of Knights Templars.

formed, and always religiouſly executed, as is aforeſaid. Saving to every perſon his action, if he had any, at the time of the ceaſing and diſſolution aforeſaid, againſt the ſame Templers in the foreſaid Lands and Tenements, Rents, Services, Cuſtoms, Penſions, Corrodies, Liberties, celebrating of Maſſes, Alms, and other things whatſoever, and liberty to proſecute his right againſt the ſaid Prior and Brethren of the Hoſpital aforeſaid and their Brethren, and their Succeſſors, according to the Law and Cuſtom of the Realm, as he might have had againſt the foreſaid Templers, if the Order aforeſaid had not been diſſolved: And if it fortune that the ſaid Prior and Brethren of the Hoſpital aforeſaid, or their Succeſſors, ſhall be put out of the foreſaid lands and tenements, or of any parcel thereof, after they ſhall be ſeiſed of the ſame, they ſhall have power to recover their own according to the Law of the Realm.

It ſhall be proclaimed in every County, that all Perſons concern'd, be at *Weſtminſter*, to hear the Aſſignment.

IV. And to the intent that the aſſignment before ſpecified may be publiſhed and made known to all men to whom it behoveth: It is ordained and agreed in the ſame Parliament, that it ſhall be openly proclaimed in every County of this Kingdom, that all and every perſon holding the lands and tenements aforeſaid, and all others to whom it doth appertain, ſhall be at Weſtminſter one month after Eaſter-day next, if they will, to hear the concord, proviſion, and aſſignment aforeſaid, in form aforeſaid.

CAP. II.

Diſſolution of the LESSER *Religious Houſes.*

27 Henr. VIII. Cap. 28.

A.D.1535.

All Monaſteries given to the King, which have not Lands above two hundred pounds by the year.

The king ſhall enjoy all religious Houſes, not above 200 l. *per Ann.*

—with the Sites and Revenues,

—in as ample manner as the Religious enjoy them;

—and alſo all Religious Houſes granted within one year, or ſuppreſſed;

—to him his Heirs, and Aſſigns for ever.

Diſſolution of the Leſſer Religious Houſes.

HIS Majeſty ſhall have and enjoy to him and his heirs for ever, all and ſingular ſuch [c] Monaſteries, Priories and other Houſes of Monks, Canons and Nuns, of what kinds of diverſities of habits, rules or order ſoever they be called or named, which have not in lands, tenements, rents, tithes, portions and other hereditaments, above the clear yearly value of two hundred pound. And in like manner ſhall have and enjoy all the ſites and circuits of every ſuch religious houſes, and all and ſingular the manors, granges, meaſes, lands, tenements, rents, reverſions, ſervices, tithes, penſions, churches, chapels, advowſons, patronages, annuities, rights, conditions and other hereditaments appertaining or belonging to every ſuch Monaſtery, Priory, or religious Houſe, not having, as is aforeſaid, above the ſaid clear [d] yearly value of two hundred pound, in as large and ample manner as the Abbots, Priors, Abbeſſes, and other Governours of ſuch Monaſteries, Priories and other religious Houſes, now have or ought to have the ſame in the right of their houſes. And that alſo his Highneſs ſhall have to him and to his heirs all and ſingular ſuch Monaſteries, Abbies and Priories, which at any time within one year next before the making of this Act hath been given and granted to his Majeſty by any Abbot, Prior, Abbeſs or Prioreſs, under their Covent Seal, or that otherwiſe hath been ſuppreſſed or diſſolved, and all and ſingular the manors, lands, tenements, rents, reverſions, tithes, penſions, portions, churches, chapels, advowſons, patronages, rights, entries, conditions, and all other intereſts and hereditaments to the ſame Monaſteries, Abbies and Priories, or to any of them appertaining or belonging: To have and to hold all and ſingular the premiſſes, with all their rights, profits, juriſdictions and commodities, unto the King's Majeſty and his Heirs and Aſſigns for ever, to do and uſe therewith his and their own wills, to the pleaſure of Almighty God, and to the honour and profit of this Realm.

All Perſons having Grants of the ſaid Religious

II. And be it enacted by the authority of this preſent Parliament, That all and every perſon and perſons, and bodies politick, which now have, or hereafter ſhall

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[c] **Monaſteries**] *Before* this time, Cardinal *Wolſey* (by Licence of the king, and of Pope *Clement* VII.) had obtained a Diſſolution of above thirty Religious Houſes (moſt of them very ſmall) for the founding and endowing his Colleges at *Oxford* and *Ipſwich*. So that the Pope himſelf had made a Precedent for the Diſſolutions which followed.

[d] **Yearly value of two hundred pound**] But the King had a right reſerved to him, of *continuing* as many as he pleaſed of the Religious Houſes, by his Letters Patents; and that he did ſo continue ſome of them, appears by the Caſe of *Walklute* and *Wilſhaw* mentioned by Sir *Simon Degge*; in which it was ſhown, that the Abbey of *Croxden*, tho' under the yearly value of 200 *l. per Ann.* and by conſequence within this Act, was yet diſſolved by 31 *H.* 8. having been *continued* by the King's *Letters Patents*; and, being of the *Ciſtercian* Order, it was thereby adjudged to be *diſcharged* of Tythes.

Degge, Part, 2. c. 21.

Diſſolution of the Leſſer Religious Houſes.

Houſes by Letters Patents, ſhall enjoy them;

have any Letters Patents of the Kings Highneſs, of any of the ſites, circuits, manors, lands, tenements, reverſions, ſervices, tithes, penſions, portions, churches, chapels, advowſons, patronages, titles, entries, conditions, intereſts, or other hereditaments which appertained to any Monaſteries, Abbies or Priories, heretofore given or granted to the Kings Highneſs, or otherwiſe ſuppreſſed or diſſolved, or which appertaineth to any of the Monaſteries, Abbies, Priories, or other Religious Houſes, that ſhall be ſuppreſſed or diſſolved by the authority of this Act; ſhall have and enjoy the ſaid ſites, circuits, manors, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, churches, chapels, advowſons, patronages, titles, entries, conditions, intereſts, and all other hereditaments contained and expreſſed in their Letters Patents now being thereof made, and to be contained and ſpecified in any Letters Patents hereafter to be made, according to the tenor, purport and effect of any ſuch Letters Patents: and ſhall alſo have all ſuch actions, ſuits, entries, and remedies to all intents and purpoſes, for any thing or things contained in every ſuch Letters Patents now made, or to be contained in ſuch Letters hereafter to be made, in like manner, form and conditions, as the Abbots, Priors, Abbeſſes, Prioreſſes, and other chief Governors of any Religious Houſes which had the ſame, might or ought to have had, if they had not been ſuppreſſed or diſſolved:

—and ſhall have all Actions, *&c.* which the Governours might have had:

Saving of Rights to all; other than the Religious, and the Founders Patrons, and Donors.

III. Saving to every perſon and perſons, and bodies politick, their heirs and ſucceſſors (other than the Abbots, Priors, Abbeſſes, Prioreſſes, or other chief Governors of the ſame Religious Houſes ſpecified in this Act, and the Covents of the ſame, and their ſucceſſors, and ſuch as pretend to be Founders, Patrons or Donors of ſuch Religious Houſes, of any lands, tenements or hereditaments belonging to the ſame, and their heirs and ſucceſſors) all ſuch right, title, intereſt, poſſeſſions, leaſes for years, rents, ſervices, annuities, commodities, fees, liberties and livings, penſions, portions, corrodies, ſynodies, proxies, and all other profits as they or any of them hath, ought or might have had, in or to any of the ſaid Monaſteries, Abbies, Priories or other Religious Houſes, or in, or to any manors, lands, tenements, rents, reverſions, tithes, penſions, portions or other hereditaments appertaining or belonging, or that appertained to any of the ſaid Monaſteries, Priories, or other Religious Houſes, as if the ſame Monaſteries, Priories, and other Religious Houſes had not been ſuppreſſed by this Act, but had continued in their eſſential bodies and ſtates that they now be, or were in.

Governours of Religious Houſes, having lately made fraudulent Grants, *&c.*

IV. Provided always, and be it enacted, That foraſmuch as divers of the chief Governors of ſuch Religious Houſes, &c. have lately fraudulently and craftily made feoffments, eſtates, gifts, grants and leaſes, under the Covent Seals, or ſuffered Recoveries of their manors, lands, tenements, and hereditaments in fee-ſimple, fee-tail, for term of life or lives, or for years, or charged the ſame with rents or corrodies, to the great decay and diminution of the houſes: that all ſuch crafty and fraudulent recoveries, feoffments, eſtates, gifts, grants and leaſes, and every of them, made by any of the ſaid chief Governors of ſuch religious houſes, under their Covent Seals, within one year next before the making of this Act, ſhall be utterly void and of none effect: Provided always, That ſuch perſon and perſons as have leaſes for term of life and years, whereupon is reſerved the old rents and ferms accuſtomed, and ſuch as have any offices, fees or corrodies, that have been accuſtomed or uſed in ſuch religious houſes, and have bought any livery or living in any ſuch houſes, ſhall have and enjoy their ſaid leaſes, offices, fees, corrodies, liberties, liveries and livings, as if this Act had never been made.

—all ſuch ſhall be void, if made within one year;

—but Leaſes, *&c.* duly granted, ſhall be good.

The king ſhall have all the Goods *&c.* of the ſaid Religious Houſes,

V. And it is further enacted, That the Kings Highneſs ſhall have and enjoy to his own proper uſe, all ſuch Ornaments, jewels, goods, chattels and debts, which appertained or belonged to any of the chief Governors of the ſaid Monaſteries or religious Houſes, in the right of their ſaid Monaſteries or Houſes, at the firſt day of March, in the year of our Lord God 1535. or any time ſithen whatſoever, or to whoſe poſſeſſion ſoever they ſhall come or be found, except only ſuch beaſts, grain and woods, and ſuch other like chattel and revenues, as they have ſold before the ſaid firſt day of March, or ſithen, for the neceſſary or reaſonable expences or charges of any of the ſaid Monaſteries or Houſes.

—and the actual and real poſſeſſion of the Houſes.

VI. And be it likewiſe enacted, That the Kings Highneſs ſhall have and enjoy according to this Act, the actual and real poſſeſſion of all and ſingular ſuch Monaſteries, Priories, and other religious Houſes, as ſhall appear by the ſaid Certificate remaining in the Kings Exchequer, not to have in lands, tenements, rents, tithes, portions and other hereditaments, above the ſaid clear yearly value of two hundred pounds; ſo that his Highneſs may lawfully give, grant and diſpoſe them or any of them at his will and pleaſure, to the honour of God and the wealth of this Realm, without farther inquiſitions or offices to be had or found for the ſame.

This Act ſhall not extend to Cells of Houſes above 200 l. *per Ann.*

VII. Provided always, That this Act, or any thing therein contained, ſhall not extend nor be prejudicial to any Abbots or Priors of any Monaſteries or Priories, being certified into the Kings Exchequer, to have in poſſeſſions and profits ſpiritual

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— which cannot ſue, nor be ſued,

— and where the Priors are dative.

and temporal, above the ſaid clear yearly value of two hundred pounds, for or concerning ſuch Cells of Religious Houſes, appertaining or belonging to their Monaſteries or Priories, in which Cells the Priors or other chief Governours thereof, be under the obedience of the Abbots or Priors to whom ſuch Cells belong, as the Monks or Canons of the Covent of their Monaſteries or Priories, and cannot ſue nor be ſued by the Laws of this Realm, or by their own proper names, for the poſſeſſion or other things appertaining to ſuch Cells whereof they be Priors or Governors, but muſt ſue and be ſued in and by the names of the Abbots or Priors to whom they be now obediencers, and to whom ſuch Cells belong; And alſo the Priors or Governors, dative or removeable from time to time, and accounts of the profits of ſuch Cells, at the only pleaſure and will of the Abbots and Priors to whom ſuch Cells belong; But that every ſuch Cell ſhall be and remain undiſſolved in the ſame eſtate, quality and condition, as if this Act had never been made; any thing in this Act to the contrary hereof notwithſtanding,

Saving to Founders and Patrons all Rights, other than ſuch as might accrue by this Diſſolution.

VIII. Saving always, And reſerving unto every perſon and perſons, being Founders, Patrons or Donors of any Abbies, Priories, or other religious Houſes, that ſhall be ſuppreſſed by this Act, their heirs and ſucceſſors, all ſuch right, title, intereſt, poſſeſſion, rents, annuities, fees, offices, leaſes, commons, and all other profits whatſoever they be, which any of them have or ſhould have had without fraud or covin by any manner of means, otherwiſe than *e* by reaſon or occaſion of the diſſolution of the ſaid Abbies, Priories, or other religious Houſes, into or upon any of the ſaid Abbies, Priories, or other Religious Houſes, whereof they be Founders, Patrons, or Donors, or into or upon any lands, tenements, or other hereditaments, appertaining or belonging to the ſame, in like manner, form and condition, as other perſons or bodies politick be ſaved by this Act, as is afore rehearſed, and as if the ſaid Abbies, Priories or other Religious Houſes, had not been ſuppreſſed and diſſolved by this Act, but had continued ſtill in their eſſential bodies and eſtates as they be now; any thing in this Act to the contrary hereof notwithſtanding.

The kings Grantees of the ſaid Houſes ſhall be bound to continual houſe-keeping,

— and to occupy Demeans, as uſual,

IX. And farther be it enacted, That all and ſingular perſons and bodies politick and corporate, to whom the Kings Majeſty, his heirs or ſucceſſors, hereafter ſhall give, grant, let or demiſe any ſite or precinct, with the houſes thereupon builded, together with the demeans of any Monaſtery, Priories or other religious houſes, that ſhall be diſſolved or given to the Kings Highneſs by this Act, his heirs, ſucceſſors or aſſigns; every ſuch perſon, body politick and corporate, ſhall be bound by authority of this Act under the penalties hereafter, to keep or cauſe to be kept, an honeſt continual houſe and houſhold in the ſame ſite or precinct, and to occupy yearly as much of the demeans in plowing and tilling of husbandry, that is to ſay, as much of the ſaid demeans, which hath been commonly uſed to be kept in tillage by the Governours, Abbots or Priors, of the ſame Houſes, Monaſteries, Priories, or by their Farmer or Farmers, occupying the ſame, within the time of twenty years next before this Act.

— upon pain to forfeit 6 *l.* 13 *s.* 4 *d.* *per* Month.

X. And if any perſon or perſons, bodies politick or corporate, that ſhall be bounden by this Act, do not keep an honeſt houſhold of husbandry and tillage, in manner and form as is aforeſaid, that then he or they ſo offending, ſhall forfeit to the Kings Highneſs for every month offending, ſix pounds thirteen ſhillings and four pence, to be recovered to his uſe in any of his Courts of Record.

All matters relating to this Act, ſhall be determin'd and aſſeſſed by the Juſtices at their Seſſions,

— and eſtreated into the Exchequer.

XI. And over that, it is enacted, That all Juſtices of Peace in every Shire where any ſuch offence ſhall be committed and done, contrary to the true meaning and intent of this preſent Act, ſhall, in every quarter and general Seſſions within the limit of their Commiſſion, inquire of the premiſſes, and ſhall have full power and authority to hear and determin the ſame, and to tax and aſſeſs no leſs fine for every of the ſaid offences, than is afore limited for the ſame offence, and eſtreats thereof to be made and certified into the King's Exchequer, according, and at ſuch time and form, as other eſtreats of fines, iſſues, and amerciaments been made by the ſame Juſtices.

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1 Brownl. 39.

e **By reaſon — of the Diſſolution]** It is ſaid in *Brownlow*'s Reports (12 *Jac.* 1.) that if the Acts for the *Diſſolution* of Monaſteries had not *given* the Lands to the king, the *Founders* ought to have had them.

5 Eliz. Cap. 2.

A.D. 1562.

In an Act, Entituled, *An Act for the maintenance and increaſe of Tillage.*

Recital of the foregoing Statute, as to keeping Houſe within the ſites of the Monaſteries;

III. And alſo where by an Act made in the ſeven and twentieth yeere of the reigne of our ſaide late Sovereigne Lord King Henry the eight, whereby divers and ſundry religious houſes of Moonks, Channons and Nunnes, which might not diſpend in lands, tenements, and hereditaments, above the cleere yeerly value of two hundred pounds, were given to the ſaid late King Henrie the eight, his heirs and ſucceſſours for ever: It is among other things enacted and ordeined, that all and ſingular perſons, and bodies politike and corporate, to whom the ſayd late King Henry the eight, his heires and ſucceſſours, after the making of the ſame Act, ſhould give, grant, let, or demiſe any ſcite or precinct, with the Houſes thereupon builded, together with the demeanes of any Monaſteries, Priories, or other religious Houſes, that ſhould be diſſolved or given

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given to the ſaid late King Henry the eight, by that Act, and the heires, ſucceſſors, or aſſigns of every ſuch perſon, bodie politike and corporate; ſhould keepe, or cauſe to be kept an honeſt continuall houſe and houſhold in the ſame ſcite or precinct, and ſhould occupie, or cauſe to be occupied yeerly, as much of the demeanes in plowing and tilling of husbandrie (that is to ſay) as much of the ſaid demeanes which then were commonly uſed to be kept in tillage by the Governors, Abbats or Priors of the ſame Houſes, Monaſteries, or Priories, or by their farmor or farmors occupying the ſame, within the time of twentie yeeres next before that Act; upon peine to forfeit to the Kings highneſſe for every moneth ſo offending, ſixe pounds, thirteene ſhillings and four pence, to be recovered to his uſe in any of his Courts of Record: And over that, by the ſame Statute it is enacted, that all Juſtices of Peace, in every Shire where any ſuch offence ſhould be committed and done contrary to the true meaning and intent of that Act or Statute, ſhould in every quarter and generall Seſſions, within the limits of their commiſſion, inquire of the premiſſes, and ſhould have full power and authoritie to heare and determine the ſame, and to taxe and aſſeſſe no leſſe fine for every the ſaid offences, then is before limited for the ſaid offence, and eſtreats thereof to bee made, and certified into the Kings Exchequer, according and at ſuch time and forme as other eſtreats of fines, iſſues and amerciaments bee made by the ſame Juſtices, as by the ſame Act more at large doth appeare: Which part of the ſaid Act concerning the keeping of Houſe and Houſhould in the ſaid Cities and precincts, and occupying of ſuch demeans of the ſame in tillage, as is aforeſaid, then was, and yet is, thought very beneficial to the Commonwealth, and moſt needfull to bee put in due execution:

—which being very beneficial to the Commonwealth,

IV. Be it therefore enacted by the authoritie aforeſaid, that the ſaid branches and articles of the ſaid Statute laſt above mentioned, made in the ſaid xxvij. yeere of our ſaid late Sovereign Lord King Henry the eight, and every penaltie and thing touching the ſame, be alſo from henceforth put in due execution, and ſhall remaine and continue in their full force and vertue, according to the good intent and meaning of the ſame laſt recited Statute: any thing in this preſent Act to be hereafter conteined to the contrary notwithſtanding.

—the ſaid Clauſes, touching Houſe-keeping, ſhall continue in full force.

A.D. 1562.

5 Eliz. Cap. 2.

In an Act, Entituled, *An Act for the maintenance and increaſe of Tillage.*

VI. And be it alſo further enacted and eſtabliſhed by the authoritie aforeſaid, that from and after the feaſt of the Annunciation of our Ladie, which ſhall bee in the yeere of our Lord God a thouſand five hundred ſixtie foure, all ſuch lands and grounds, or ſo much in quantitie, as in any Towne, Village, Hamlet, Lordſhip, Place knowne, or Pariſh, within the Realme of England or Wales, have beene eared, plowed, and put in tillage in any one yeere, and ſo kept in tillage by the ſpace of foure yeeres, any time ſince the Feaſt of Saint George the Martyr, in the twentieth yeere of the reigne of King Henrie the eight (other then the ſaid demeanes of the ſaid late Monaſteries, Priories, and religious houſes, given as is above rehearſed to the ſaid late King Henrie the eight, in the ſaid ſeven and twentieth yeere of his reigne) ſhall be eared, plowed, uſed, and kept in tillage, or cauſed to be eared, plowed, uſed and kept in Tillage for ever, according to the nature of the ſoyle, and cuſtom of the Countrie, by the occupyer or occupyers thereof, without fraud or colluſion.

The Lands of Religious Houſes, diſſolved 27 *H.* 8. need not be occupied, according to the Statute of Tillage.

A.D. 1623.

21 Jac. I. Cap. 28.

In an Act, Entituled, *An Act for continuing and reviving of divers Statutes, and repeal of divers others.*

XI. And that part of the Statute made in the ſeven and twentieth year of the Reign of the late King Henry the eighth, by which it was ordained, That all and ſingular perſons, Bodies politick and corporate, to whom the Kings Majeſty after that ſhould give, grant, let, ſet, or demiſe any Scite or Precinct, with the Houſes thereupon builded, together with the Demeſns of any Monaſtery, Priory, or other religous Houſes that ſhould be diſſolved or given to the King by that Act, ſhall be bound to keep Houſe and Houſhold, and occupy Demeſns, in plowing and tilling of Husbandry, as in that Act is ſpecified, under the pains therein contained, —— ſhall be by virtue of this Act repealed.

The Clauſe of 27 *H.* 8. c. 28. concerning keeping of houſe, and occupying, ſhall be repealed.

CAP. III.

Diſſolution of the GREATER *Religious Houſes.*

31 Henr. VIII. Cap. 13.

A.D. 1539.

An Act for Diſſolution of Monaſteries and Abbeys.

Divers Governours of Religious Houſes, having voluntarily given to the king for ever,

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WHere divers and ſundry Abbots, Priors, Abeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes of divers Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, Houſes of Fryers, and other religious and eccleſiaſtical houſes and places within this our Sovereign Lord the Kings Realm of England and Wales, of their own free and voluntary minds, good wills and aſſents, without conſtraint, coaction or compulſion of any manner of perſon or perſons, ſithen the iv. day of February, in the xxvij. year of the Reign of our now moſt dread Sovereign Lord, by the due order and courſe of the common Laws of this his Realm of England, and by their ſufficient writings of Record under their Covent and common Seals, have ſeverally given, granted, and by the ſame their writings ſeverally confirmed, all their ſaid Monaſteries Abbathies, Priories, Nunneries, Colleges, Hoſpitals, Houſes of Fryers, and other religious and eccleſiaſtical houſes and places, and all their ſites, circuits, and precincts of the ſame, and all and ſingular their manors, lordſhips, granges, meaſes, lands, tenements, medows, paſtures, rents, reverſions, ſervices, woods, tithes, penſions, portions, churches, chapels, advowſons, patronages, annuities, rights, entrees, conditions, commons, leets, courts, liberties, privileges and franchiſes, appertaining or in any wiſe belonging to any ſuch Monaſtery, Abbathy, Priory, Nunnery, College, Hoſpital, houſe of Fryers, and other religious and eccleſiaſtical houſes and places, or to any of them by whatſoever name or Corporation they or any of them were then named or called, and of what order, habit, religion, or other kind of quality ſoever they or any of them were then reputed, known or taken: To have and to hold all the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, Houſes of Fryers and other religious and eccleſiaſtical houſes and places, ſites, circuits, precincts, manors, lands, tenements, medows, paſtures, rents, reverſions, ſervices, and all other the premiſſes, to our ſaid Sovereign Lord, his heirs and ſucceſſors for ever, and the ſame, the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers and other religious and eccleſiaſtical houſes and places, ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, medows, paſtures, rents, reverſions, ſervices, and other the premiſſes voluntarily, as is aforeſaid, have renounced, left and forſaken, and every of them hath renounced, left and forſaken:

—their ſaid ſeveral Houſes, under their Covent Seal,

—with the ſites and revenues,

—and the ſame having renounced, left, and forſaken,

Enacted, that, —The king ſhall hold and enjoy all the ſaid Houſes, which have been diſſolved ſince *Febr.* 4. *Ann. Regn.* 27.

II. Be it therefore enacted by the King our Sovereign Lord, and the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the King our Sovereign Lord ſhall have, hold, poſſede and enjoy to him, his Heirs and Succeſſors for ever, all and ſingular [f] ſuch late Monaſteries, Abbathies, Priories, Nunneries, Colleges, [g] Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, of what kinds,

natures,

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[f] **Such late Monaſteries**] By reaſon of the *Diſcharge from Tythes*, of Lands which were given to the K. by this Act, and which were diſcharged in the hands of the Religious (as it is expreſſed at large, in §. 21.) it hath been more ſtrictly enquired, what were the Houſes diſſolved by *this* Act, than by any other of the Acts of Diſſolution. And, becauſe they are of frequent Uſe in Suits concerning *Tythes*, I have added them at large in the * Appendix.

* Sect. 6.

1 Inſt. f. 342, a.

[g] **Hoſpital**] It is ſaid to have been reſolved in the Caſe of the Lord *Cheyney*, 24 *Eliz.* "That as no Hoſpital "was given to the Crown, by the Statute 27 *H.* 8. ſo no "Hoſpitals but only *Religious* and *Eccleſiaſtical*, are within "this Statute, 31 *H.* 8." And further, "That if, upon "the Foundation of any Lay-Hoſpital, or after, it was "Ordained, that one or more Prieſts ſhould be maintained "within the Hoſpital to celebrate divine Service to the Poor, "and to pray for the Soul of the Founder, and all Chriſtians Souls, or the like, and that the Poor of ſuch Hoſpitals ſhould do the ſame; yet ſuch an Hoſpital was not "within the ſaid Statutes: for, it is *Lay* and not *Religious*; and all, or the greateſt part of ancient Lay-Hoſpitals, "were founded or ordained after the like ſort; and the "makers of thoſe Statutes never intended to overthrow "Works of *Charity*, but only to take away the *Abuſe*.

To this he adds, as a further Reſolution, in the ſame caſe, "That no Hoſpital was given to the King by the "Statute 37 *H.* 8. but in two Caſes, *viz.* where the Donors, Founders, or Patrons, had entred, and expell'd "the Prieſts, Wardens, *&c.* or where K. *Hen.* 8. by "Commiſſion, according to that Act, ſhould enter, and "ſeiſe the ſame; but that *that* was determined by the "death of the ſaid king.

Ibid.

And, finally, it was reſolved, "That the Statute 1 *E.* 6. "extended not to any Hoſpital whatſoever, either Lay, or "Religious.

Ibid.

But (notwithſtanding this) in the Caſe of *Pitts* and *James*, 12 *Jac.* 1. it was Reſolved, that a Hoſpital founded for certain poor Perſons, to ſerve God, and to pray for the Souls of the king, and the Founder, with their Progenitors, Anceſtors, and Heirs, was a *Superſtitious Foundation*, and (as ſuch) given to the king by the *deſign* and *intention* of the Stat. 1 *E.* 6. tho' Hoſpitals are not particularly *mentioned* in that Statute.

Hob. 121. Mo. 865. 1 Brownl. 178.

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natures, qualities or diverſities of habits, rules, profeſſions or orders they or any of them were named, known or called, which ſith the ſaid iv. day of February, the xxvij. year of the Reign of our ſaid Sovereign Lord, have been diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come to his Highneſs, and by the ſame authority, and in like manner ſhall have, hold, poſſede, and enjoy all the ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, medows, paſtures, rents, reverſions, ſervices, woods, tithes, penſions, portions, parſonages appropriated, vicarages, churches, chapels, advowſons, nominations, patronages, annuities, rights, intereſts, entrees, conditions, commons, leets, courts, liberties, privileges, franchiſes, and other whatſoever hereditaments, which appertained or belonged to the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, or to any of them, in as large and ample manner and form, as the late Abbots, Priors, Abbeſſes, Prioreſſes, and other eccleſiaſtical Governours and Governeſſes of ſuch late Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, had, held or occupied, or of right ought to have had, holden or occupied in the right of their ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, or other religious and eccleſiaſtical houſes and places, at the time of the ſaid diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or by any other manner of mean coming of the ſame to the King's Highneſs ſithen the fourth day of February, above ſpecified:

—with the ſites and revenues,

—in as large and ample manner, as the late Religious held them.

III. And it is further enacted by the authority aforeſaid, That not only all the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes or places, ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, and all other the premiſſes, forthwith, immediately and preſently, but alſo all other Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, and all other religious and eccleſiaſtical houſes and places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come to the Kings Highneſs; and alſo all the ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, medows, paſtures, rents, reverſions, ſervices, woods, tithes, penſions, portions, parſonages appropriate, vicarages, churches, chapels, advowſons, nominations, patronages, annuities, rights, intereſts, entrees, conditions, commons, leets, courts, liberties, privileges, franchiſes, and other hereditaments whatſoever they be, belonging or appertaining to the ſame, or any of them, whenſoever and as ſoon as they ſhall be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come unto the Kings Highneſs; ſhall be veſted, deemed and adjudged by authority of this preſent Parliament, in the very actual and real ſeiſin and poſſeſſion of the King our Sovereign Lord, his heirs and ſucceſſors for ever, in the ſtate and condition as they now be, and as though all the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, and all other religious and eccleſiaſtical houſes and places ſo diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come unto the Kings Highneſs, as is aforeſaid, as alſo the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come unto the Kings highneſs, ſites, circuits, precincts, manors, lordſhips, granges, lands, tenements, and other the premiſſes, whatſoever they be, and every of them, were in this preſent Act ſpecially and particularly rehearſed, named and expreſſed by expreſs words, names, titles and faculties, and in their natures, kinds and qualities.

All other Religious Houſes, which ſhall hereafter be diſſolved,

—with the ſites, and revenues,

—ſhall in like manner be veſted in the king, as if ſpecially rehearſed in this Act.

IV. And be it alſo enacted by the authority aforeſaid, That all the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, which being diſſolved, ſuppreſſed, renounced, relinquiſhed, given up, or come to the Kings Highneſs by any manner of means, as is aforeſaid, and all the manors, lordſhips, granges, lands, tenements, and other the premiſſes, (except ſuch thereof as be come to the Kings hands by attainder or attainders of Treaſon) and all the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes or places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come unto the Kings Highneſs, and all the manors, lordſhips, granges, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, woods, tithes, portions, penſions, parſonages appropriate, vicarages, churches, chapels, advowſons, nominations, patronages, annuities, rights, intereſts, entrees, conditions, commons, leets, courts, liberties, priviledges, franchiſes and other hereditaments, whatſoever they be, belonging to the ſame or to any of them (except ſuch thereof which ſhall happen to come to the

All Religious Houſes coming to the poſſeſſion of the king, ſhall be in the Survey of the Court of Augmentations.

Diſſolution of the Greater Religious Houſes.

Saving of Rights to all other than the Religious, and the Founders, Patrons, and Donors.

Kings Highneſs by attainder or attainders of Treaſon) ſhall be in the order, ſurvey and governance of our ſaid Sovereign Lord the Kings Court of Augmentations of the Revenues of his Crown, and of the Chancellors, Officers and Miniſters of the ſame; and all the ferms, iſſues, revenues and profits coming and growing of the Premiſſes, and of every part thereof (except before except) ſhall be ordered, taken and received to the Kings uſe by the ſaid Chancellor, Miniſters and Officers of the ſame Court, in ſuch like manner and form as the monaſteries, priories, ſites, circuits, manors, granges, meaſes, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, advowſons, patronages, rights, entries, conditions, and other hereditaments, late appertaining or belonging unto the Monaſteries, Abbathies, Priories, or other religious houſes, late by authority of Parliament ſuppreſſed, been ordered, ſurveyed and governed. Saving to all and every perſon and perſons, and bodies politick, and their heirs and ſucceſſors, and the heirs and ſucceſſors of all and every of them (other than the ſaid late Abbots, Priors, Abbeſſes, Prioreſſes, and other eccleſiaſtical Governours and Governeſſes of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places, and their ſucceſſors, and the ſucceſſor of every of them, and ſuch as pretend to be Founders, Patrons or Donors of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, and other eccleſiaſtical houſes and places, or of any manors, meſſuages, lands, tenements, or other hereditaments belonging to the ſame, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every ſuch Founder, Patron or Donor, and the now Abbots, Priors, Abbeſſes, Prioreſſes, and other eccleſiaſtical Governours and Governeſſes of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, and other religious and eccleſiaſtical houſes and places which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs, and ſuch as pretend to be Founders, Patrons or Donors of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, and other eccleſiaſtical houſes and places, or of any manors, meſſuages, lands, tenements, or other hereditaments to the ſame belonging, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, all ſuch right, title, claim, intereſt, poſſeſſion, rents, charges, annuities, leaſes, ferms, offices, fees, liveries and livings, portions, penſions, corrodies, commons, ſynods, proxies, and other profits, which they or any of them have, claim, ought, may, or might have had, in or to the premiſſes, or to any part or parcel thereof, in ſuch like manner, form and condition, to all intents, reſpects, conſtructions and purpoſes, as if this Act had never been had ne made (rents ſervices, rents ſeck, and all other ſervices and ſuits onely except.)

If the late Religious ſhall have granted any Leaſes, within 1 year,

— of Lands not uſually leaſed,

— or where another Leaſe was in being,

— or without reſerving the accuſtomed Rent,

V. Provided always, and be it enacted by the authority aboveſaid, That if any late Abbot, Prior, Prioreſs, Abbeſs, or other eccleſiaſtical Governour or Governeſs aboveſaid, within one year next before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs, of his late Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, or other religious or eccleſiaſtical houſe or place, hath made any leaſe or grant under his covent or common ſeal, or otherwiſe for term of life, or for term of years, of the ſite, circuit and Precinct of his ſaid late Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, or other religious or eccleſiaſtical houſe or place, or of any part thereof, or of any manors, meſſuages, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments, which belonged or appertained to his ſaid late Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, or other religious or eccleſiaſtical houſe or place, which manors, meſſuages, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions or other hereditaments were not before the ſame leaſe commonly uſed to be ſet nor let to ferm, but kept and reſerved in the manurance, tillage or occupation of the ſaid Governour or Governeſs, for the maintenance of hoſpitality and good houſe-keeping: or within one year, as is aboveſaid, hath made any leaſe or grant for term of life, or for term of years, of any manors, meſſuages, lands, tenements, meadows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, churches, chappels or other hereditaments, whatſoever they be, whereof, or in the which any eſtate or intereſt for term of life, year or years, at the time of the making of any ſuch grant or leaſe, then had his being or continuance, and then was not determined, finiſhed or expired: or within the time of one year, as is aboveſaid, hath made any leaſe or grant for term of life, or for term of years, of any manors, meſſuages, lands, tenements, meadows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, churches, chappels or other hereditaments, whatſoever they be, upon the which leaſes and grants, the uſual and old rents and ferms accuſtomed to be yielded and reſerved by the ſpace of twenty years next before the firſt day of this preſent Parliament, is and be not thereupon reſerved and yielden:

Or

Diſſolution of the Greater Religious Houſes.

— all ſuch Leaſes ſhall be void, — and ſo alſo ſhall ſales of Wood.

Or if any ſuch Governour or Governeſs hath made any bargain or ſale of his woods within one year, as is afore limited, which woods be yet growing and ſtanding, that then all and every ſuch leaſe, grant, bargain and ſale of wood or woods, ſhall be utterly void and of none effect.

All feoffments, fines, and recoveries, within one year, ſhall be void.

VI. And it is alſo enacted by the authority aforeſaid, That all feoffments, fines and recoveries, had, made, acknowledged or ſuffered by any Governour or Governeſs, without the Kings licence under his great Seal, within one year next before the diſſolution, renouncing, relinquiſhing, forfeiting, giving up, or coming unto the Kings Highneſs, of his ſaid Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, Houſe of Fryers, or other religious or eccleſiaſtical houſe or place, or any Manors, Meaſes, Lands, Tenements, or other Hereditaments whatſoever they be, which the ſaid late Abbot, Prior, Abbeſs, Prioreſs, and other eccleſiaſtical Governour and Governeſs, or any of them, or any of their predeceſſors had or held, of the gift, grant, or confirmation of our ſaid Sovereign Lord, or any of his Highneſs Progenitors, or of the which Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, Houſes of Fryers, or other religious or eccleſiaſtical houſes or places, our ſaid Sovereign Lord was Founder or Patron, or which Manors, Meaſes, Lands, Tenements or other Hereditaments, were of the ancient or old Foundation or Poſſeſſion of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, or other religious or eccleſiaſtical houſes or places; ſhall be utterly void and of none effect.

If any Religious, which may hereafter be diſſolved, ſhall, within one year before this Parliament, have made any Leaſe, or ſhall make any, of the ſite, *&c.*

— or of Lands not uſually leaſed,

VII. And it is farther enacted by the authority aforeſaid, That if any Abbot, Prior, Abbeſs, Prioreſs, or other Eccleſiaſtical Governour or Governeſs, of any Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, or other religious or eccleſiaſtical houſe or place, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs within one year next before the firſt day of this preſent Parliament, have made, or hereafter do make any leaſe or grant under his covent, or common Seal, or otherwiſe for term of years, or life or lives, of the ſite, circuit, and precinct of his ſaid Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, or other religious or eccleſiaſtical houſe or place, or of any part thereof, or of any Manors, meſſuages, lands, tenements, parſonages appropriate, tithes, penſions, portions, and other hereditaments belonging or appertaining to the ſaid Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, or other religious or eccleſiaſtical houſe or place, which manors, meaſes, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions, and other hereditaments whatſoever they be, were not before the ſame leaſe, commonly uſed to be ſet nor let to ferm, but kept and reſerved in the manurance, tillage or occupation of the ſaid Governour or Governeſs, for the maintenance of hoſpitality and good houſe-keeping, or now be in the manurance, tillage or occupation of the ſaid Governour or Governeſs, for the maintenance of hoſpitality and good houſe-keeping: or within one year next before the firſt day of this preſent Parliament, hath made, or hereafter ſhall make any leaſe or grant for term of life, or for term of years, of any manors, meaſes, lands, tenements, meadows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, churches, chapels, or other hereditaments whatſoever they be, whereof and in the which any eſtate or intereſt for term of life, year or years, at the time of the making any ſuch grant or leaſe then had his being or continuance, or hereafter ſhall have his being or continuance; and that was not determined, finiſhed or expired, or at the time of any ſuch leaſe to be made ſhall not be determined, finiſhed or expired: or within one year next before the firſt day of this preſent Parliament hath made or hereafter ſhall make any leaſe or grant for term of life or for term of years, of any manors, meſſuages, lands, tenements, meadows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, churches, chapels, or other hereditaments whatſoever they be, upon which leaſes and grants, the uſual and old rents and ferms accuſtomed to be yielden and reſerved by the ſpace of twenty years next before the ſaid firſt day of this preſent Parliament, is or be not, or hereafter ſhall not be thereupon reſerved and yielden: or if any ſuch Governour or Governeſs of any ſuch Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, or other religious or eccleſiaſtical houſe or place, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs, within one year next before the firſt day of this preſent Parliament, hath made, or hereafter ſhall make any bargain or ſale of his woods, which woods be yet growing and ſtanding: that then all and every ſuch leaſe, grant, bargain and ſale of wood or woods, ſhall be utterly void and of none effect.

— or where another Leaſe was in being,

— or without reſerving the accuſtomed Rent,

— all ſuch Leaſes ſhall be void;

— and ſo alſo ſhall Sales of Wood.

All Feoffments, Fines, and recoveries, made within one year before this Parliament, or that may be made, ſhall be alſo void.

VIII. And it is alſo enacted by the authority aforeſaid, That all feoffments, fines and recoveries, had, made, knowledged or ſuffered, within one year next before the firſt day of this preſent Parliament, or hereafter to be had, made, knowledged or ſuffered by any Governour or Governeſs of any Monaſtery, Abbathy, Priory, Nunnery, Colledge, Hoſpital, houſe of Fryers, or other religious or eccleſiaſtical houſe or place which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the Kings Highneſs, without the Kings licence under his great Seal, of any manors, meaſes, lands, tenements or other hereditaments, whatſoever they be, which the ſaid Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes, which hereafter ſhall happen to be diſſolved, ſuppreſſed, relinquiſhed, forfeited, given up, or come unto the Kings Highneſs, as is aforeſaid, or any of them, or any of their predeceſſors had or held, or have and hold, of the gift, grant, or confirmation of our ſaid Sovereign Lord, or of any of his Highneſs Progenitors, or of the which Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, Houſes of Fryers, or other religious or eccleſiaſtical houſes and places our ſaid ſovereign Lord is Founder or Patron, or which manors, meaſes, lands, tenements, or other hereditaments were, or be, of the ancient or old foundation or poſſeſſion of the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, or other religious or eccleſiaſtical houſes or places; ſhall be utterly void and of none effect.

A Leaſe being made, where a former Leaſe was unexpired, ſhall be good only for 21 years, from the time of making.

IX. Provided alway, and be it enacted by authority aforeſaid, That if any Abbot, Prior, Abbeſs or Prioreſs, or other Governour or Governeſs aboveſaid, within one year next before the firſt day of this preſent Parliament, or if any late Abbot, Prior, Abbeſs, Prioreſs, or other late Governour or Governeſs aboveſaid, within one year next before any ſuch diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs, of the premiſſes, or of any parcel thereof, as is aforeſaid, have made any demiſe, leaſe, or grant to any perſon or perſons for term of years, of any manors, meaſes, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments aforeſaid, which perſon or perſons at the time of the ſaid demiſe, leaſe or grant, had, and held the ſame to ferm for term of years then not expired; that then the ſaid perſon or perſons to whom any ſuch demiſe, leaſe, or grant hath been ſo made, ſhall have and hold the ſame for the term of one and twenty years onely from the time of the making of the ſaid demiſe, leaſe or grant, if ſo many years be by the ſame demiſe, leaſe or grant ſpecified, limited and expreſſed, or elſe for ſo many years as in ſuch demiſe, leaſe or grant been expreſſed, ſo that the old rent be thereupon reſerved, and ſo that the ſame leaſe or leaſes exceed not xxi. years; This Act or any thing therein contained to the contrary notwithſtanding.

Leaſes made for term of Lives ſhall ſtand good,

X. Provided alſo, and be it enacted by the authority aforeſaid, That if any Abbot, Prior, Abbeſs, Prioreſs, or other late Governour or Governeſs, within one year next before any ſuch diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming unto the Kings Highneſs of the premiſſes, or of any parcel thereof, as is aforeſaid, have made any demiſe, leaſe, or grant to any perſon or perſons, for term of life or lives, of any manors, meaſes, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments aforeſaid, which perſon or perſons, or any of them, at the time of the ſaid demiſe, leaſe or grant, had and held the ſame for term of life or lives, or for term of years then not expired: that then the ſaid perſon or perſons, to whom any ſuch leaſe or grant hath been ſo made, ſhall have and hold the ſame for term of their life or lives, ſo that the old rent be thereupon reſerved; This Act or any thing therein contained to the contrary thereof notwithſtanding.

—and alſo Leaſes, by Copy, for Lives.

XI. Provided alſo, and be it enacted by the authority aforeſaid, That all and ſingular leaſes and grants, made by copy to any perſon or perſons, of any of the ſaid meſſuages, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments aforeſaid, for term of life or lives, which by the cuſtome of the Countrey hath been uſed to be demiſed, letten, or granted by copy of Court-roll, ſhall be good and effectual in the Law, ſo that the old rent be reſerved by and upon every ſuch leaſe and leaſes; this Act or any thing therein contained to the contrary in any wiſe notwithſtanding.

All Leaſes, &c. made by the Court of Augmentations, ſhall be good;

—as ſhall alſo Leaſes, Feoffments, &c. made by the Religious, which have been examined and affirmed in the ſaid Court.

XII. Provided alway, and be it further enacted by the authority aforeſaid, That all leaſes heretofore made of any of the premiſſes by authority of our ſovereign Lord the Kings Court of augmentations of the Revenues of his Crown, and all ſuch leaſes, feoffments and wood-ſales, made by the ſaid Governours and Governeſſes, or any of them, under their Covent Seals, or under the Covent or Common Seal of any of them, within one year next before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs, of the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, or other religious or eccleſiaſtical houſes or places, which ſaid leaſes, grants, feoffments, and wood-ſales have been examined, enrolled, decreed, or affirmed in our ſaid ſovereign Lord the Kings Court of Augmentations, and the decree of the ſame put in writing, Sealed with the Seal of the ſaid Court of Augmentations, ſhall be good and effectual according to the ſame decree; any clauſe or act heretofore in this preſent Act to the contrary notwithſtanding.

Diſſolution of the Greater Religious Houſes.

XIII. Provided alway, and be it alſo further enacted by the authority aboveſaid, That if any perſon or perſons have juſtly and truly, without fraud or covin, paid or given in any ſum or ſums of money to any of the ſaid late Governours and Governeſſes, for the bargain and ſale of any woods, being and growing in or upon any manors, lands, tenements, or hereditaments which appertained or belonged to the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, or other religious or eccleſiaſtical places, or unto any of them, which bargain and ſale, by authority of this Act, is made void and of none effect, and by mean thereof the Kings Highneſs may have and take the commodity and profit of ſuch woods ſo bargained and ſold: that then the Chancellour and other Officers of our ſaid Sovereign Lord the Kings Court of Augmentations, or three of them, whereof the Chancellor for the time being ſhall be one, of our ſaid Sovereign Lord the Kings Treaſure, remaining in the Treaſury of the ſame Court, ſhall ſatisfie and recompence every ſuch perſon or perſons, ſuch ſum of money, or other recompence, as the ſame Chancellor and Officers, or three of them, whereof the ſaid Chancellour ſhall be one, ſhall think meet and convenient. And if any other perſon or perſons ſhall happen to take profit and commodity, by reaſon of avoiding ſuch wood-ſales by authority of this Act, that then every perſon and perſons which may or ſhall take ſuch profit, ſhall be ordered for ſatisfaction to be made to the parties that ſhall happen to be grieved by this Act, by the ſaid Chancellour and other the Officers of the ſame Court.

Money paid for Sales of Wood, made void by this Act, ſhall be repaid by the Court of Augmentations.

XIV. Provided alſo, and be it further enacted by the authority aforeſaid, That all and every perſon and perſons, their heirs and aſſigns, which ſithen the ſaid iv. day of February, by licence, pardon, confirmation, releaſe, aſſent or conſent of our ſaid Sovereign Lord the King, under his great Seal heretofore given, had or made, or hereafter to be had or made, have obtained or purchaſed by Indenture, fine, feoffment, recovery, or otherwiſe of the ſaid late Abbots, Priors, Abbeſſes, Prioreſſes, or other Governours or Governeſſes, of any ſuch Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, houſes of Fryers, or other Religious or Eccleſiaſtical Houſes or Places, any Monaſteries, Priories, Colledges, Hoſpitals, manors, lands, tenements, meadows, paſtures, woods, churches, chappels, parſonages, tithes, penſions, portions, or other hereditaments; ſhall have and enjoy the ſame, according to ſuch writings and aſſurances as been thereof before the firſt day of this preſent Parliament, or hereafter ſhall be, had or made:

All Perſons, who have purchaſed Religious Houſes by the Kings Licence,

—ſhall have and enjoy the ſame.

XV. Saving to all and every perſon and perſons, and bodies politick, their heirs and ſucceſſors, and to the heirs and ſucceſſors of every of them, (other than the ſaid late Abbots, Abbeſſes, Priors, Prioreſſes, and other Governours and Governeſſes, and their ſucceſſors, and the ſucceſſors of every of them, and ſuch as pretend to be Founders, Patrons or Donors of the Monaſteries, Abbathies, Priories, Nunneries, Colledges, Hoſpitals, and other religious or eccleſiaſtical houſes or places, or of any of them, or of any manors, meſſuages, lands, tenements or other hereditaments late belonging to the ſame, or to any of them, and their heirs, ſucceſſors, and the heirs and ſucceſſors of every ſuch Founder, Patron or Donor, all ſuch right, title, intereſt, poſſeſſion, rents, annuities, commodities, offices, fees, liveries and livings, portions, penſions, corrodies, ſynods, proxies, or other profits which they or any of them have, ought or might have had, in or to any of the ſaid Monaſteries, Abbathies, Priories, Colledges, Hoſpitals, manors, lands, tenements, rents, ſervices, reverſions, tithes, penſions, portions, or other hereditaments, at any time before any ſuch purchaſe, indentures, fines, feoffments, recoveries, or other lawful mean between any ſuch parties had or made, as is above-ſaid; this Act or any thing therein contained to the contrary notwithſtanding.

Saving of Rights to all; other than Religious, and the Founders, Patrons, and Donors.

XVI. And where our ſaid Soveregn Lord, ſith the fourth day of February, the ſaid xxvij. year of the Reign of our ſaid Sovereign Lord, hath obtained and purchaſed, as well by exchanges as by gifts, bargains, fines, feoffments, recoveries, deeds enrolled, and otherwiſe, of divers and ſundry perſons, many and divers honours, caſtles, manors, lands, tenements, meadows, paſtures, woods, rents, reverſions, ſervices, and other hereditaments, and hath not only paid divers and ſundry great ſums of money for the ſame, but alſo hath given and granted for the ſame, unto divers and ſundry perſons, divers and ſundry manors, lands, tenements, and hereditaments, and other recompences in and for full ſatiſfaction of all ſuch honours, caſtles, manors, lands, tenements, rents, reverſions, ſervices, and other his hereditaments, by his Highneſs obtained or had as is aboveſaid: Be it therefore enacted by the authority aboveſaid, That our ſaid Sovereign Lord the King, his heirs and ſucceſſors, ſhall have, hold, poſſeſs and enjoy all ſuch honours, caſtles, manors, lands, tenements, and other hereditaments, as his Highneſs ſith the ſaid fourth day of February, the xxvij. year aboveſaid, hath obtained and had by way of exchange, bargain, purchaſe, or other whatſoever mean or means, according to the true meaning and intent of his Highneſs bargain, exchange or purchaſe; miſrecital, miſnaming, or non-recital or not naming of the ſaid honours, caſtles, manors, lands, tenements,

The King having purchaſed divers Manours ſince *Feb.* 4. *Ann. Regn.* 27. by exchange or otherwiſe,

—ſhall poſſeſs and enjoy them,

—miſrecital, miſnaming, *&c.* notwithſtanding.

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nements, and other hereditaments compriſed or mentioned in the bargains or writings made between the Kings Highneſs and any other party or parties, or of the Towns or Countries where the ſaid honours, caſtles, manors, lands, tenements and hereditaments lie and been, or any other matter or cauſe whatſoever it be, in any wiſe notwithſtanding:

Saving of Rights to all, other than the Perſons with whom the K. hath bargained.

XVII. Saving to all and every perſon and perſons, and to their heirs, bodies politick and corporate, and to their ſucceſſors, and to every of them (other then ſuch perſon and perſons, and their heirs, and their wives, and the wives of every of them, bodies politick and corporate, and their ſucceſſors and every of them, of whom the Kings Highneſs hath obtained by exchange, gift, bargain, fine, feoffment, recovery, deed enrolled, or otherwiſe, any ſuch honours, caſtles, manors, lands, tenements, and other hereditaments as is aforeſaid) all ſuch right, title, uſe, intereſt, poſſeſſion, rents, charges, annuities, commodities, fees and other profits, (rents, ſervices, and rents ſecks only except) which they or any of them have, might, or ought to have had, in or to the premiſſes ſo obtained and had, or in or to any parcel thereof, if this Act had never been had nor made; this preſent Act or any thing therein contained to the contrary notwithſtanding.

The K. having granted divers manours, *&c.* to ſeveral of his Subjects,

—for the avoiding of which Grants, divers ſurmiſes and ſuggeſtions, might hereafter be moved,

XVIII. And where it hath pleaſed the Kings Highneſs of his moſt abundant grace and goodneſs, as well upon divers and ſundry conſiderations his Majeſty eſpecially moving, as alſo otherwiſe, to have bargained, ſold, changed or given and granted by his Graces ſeveral Letters Patents, Indentures, or other Writings, as well under his Highneſs Great Seal, as under the Seal of his Highneſs Dutchy of Lancaſter, and the Seal of the Office of the Augmentations of his Crown, unto divers and ſundry of his loving and obedient Subjects, divers and ſundry honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, rents, reverſions, ſervices, parſonages appropriate, advowſons, liberties, tithes, oblations, portions, penſions, franchiſes, priviledges, liberties, and other hereditaments, commodities and profits, in Fee-ſimple, Fee-tail, for term of life, or for term of years: for avoiding of which ſaid Letters Patents, and of the contents of the ſame, divers, ſundry, and many ambiguities, doubts and queſtions might hereafter ariſe, be moved and ſtirred, as well for miſrecital or non-recital, as for divers other matters, things or cauſes to be alledged, objected or invented againſt the ſaid Letters Patents, as alſo for lack of finding of Offices or Inquiſitions, whereby the title of his Highneſs therein ought to have been found, before the making of the ſame Letters Patents, or for miſrecital or non-recital of leaſes, as well of record as not of record, or for lack of the certainty of the values, or by reaſon of miſnaming of the honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, and other hereditaments compriſed and mentioned within the ſame Letters Patents, or of the Towns and Counties where the ſame honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, rents, and other hereditaments lien and been, as for divers and ſundry other ſuggeſtions and ſurmiſes which hereafter might happen to be moved, ſurmiſed and procured againſt the ſame Letters Patents, albeit the words in effect contained in the ſaid Letters Patents, be according to the true intent and meaning of his moſt Royal Majeſty:

Enacted, that, —All ſuch Letters Patents, made ſince *Feb.* 4. *Ann. Regn.* 27. or to be made within three years, ſhall be good,

—without any other Licence, or Diſpenſation.

XIX. Be it therefore enacted by the authority of this preſent Parliament, That as well all and every the ſaid Letters Patents, Indentures, and other Writings, and every of them, under the Seal or Seals aboveſaid, or of any of them, made or granted by the Kings Highneſs ſithen the ſaid iv. day of February, the ſaid xxvij. year of his moſt noble Reign, as all and ſingular other his Graces Letters Patents, Indentures, or other Writings to be had, made or granted to any perſon or perſons within three years next after the making of this preſent Act, of any honours, caſtles, manors, monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of Fryers, or other religious or eccleſiaſtical houſes or places, ſites, circuits, precincts, lands, tenements, parſonages, tithes, penſions, portions, advowſons, nominations, and all other hereditaments and poſſeſſions, of what kind, nature or quality ſoever they be, or by whatſoever name or names, they or any of them be named, known or reputed, ſhall ſtand and be good, effectual and available in the Law of this Realm, to all reſpects, purpoſes, conſtructions and intents, againſt his Majeſty, his Heirs and Succeſſors, without any other licence, diſpenſation, or tolerance of the Kings Highneſs, his Heirs and Succeſſors, or of any other perſon or perſons whatſoever they be, for any thing or things contained, or hereafter to be contained, in any ſuch Letters Patents, Indentures, or other Writings; any cauſe, conſideration, or thing material to the contrary in any wiſe notwithſtanding.

Saving of Rights to all, other than to the K. the Governors, Donors, Founders, Patrons, *&c.*

XX. Saving to all and ſingular perſons, bodies politick and corporate, their Heirs and Succeſſors, and the Heirs and Succeſſors of every of them, other than his Highneſs, his Heirs and Succeſſors, and the ſaid Governours and Governeſſes, and their Succeſſors, Donors, Founders and Patrons, afore named, and their Heirs and Succeſſors, and all other perſons claiming in their Rights, or to their uſe, or in the right, or to the uſe of any of them, all ſuch right, title, claim, intereſt, poſſeſſion, ceſſion, reverſion, remainder, offices, annuities, rent-charges and commons, which they or any of them have, ought or might have had, in or to any of the ſaid honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, and other hereditaments in the ſaid Letters Patents made, or hereafter to be made, compriſed at any time before the making of the ſaid ſuch Letters Patents: this Act or any thing therein contained to the contrary notwithſtanding.

XXI. And where divers and ſundry Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes of the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, Houſes of Fryers, and other Religious and Eccleſiaſtical Houſes and Places, have had, poſſeſſed and enjoyed divers and ſundry parſonages appropriated, tithes, penſions and portions, and alſo were acquitted and diſcharged of and for the payment or payments of tithes, to be paid out of, or for their ſaid Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, Houſes of Fryers, and other Religious and Eccleſiaſtical Houſes and Places, Manors, Meſſuages, Lands, Tenements and Hereditaments: Be it therefore Enacted by the Authority aboveſaid, That as well the King our Sovereign Lord, his Heirs and Succeſſors, as all and every ſuch Perſon and Perſons, their Heirs and Aſſigns, which have, or hereafter ſhall have any Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, Houſes of Fryers, or other Eccleſiaſtical houſes or places, ſites, circuits, precincts of the ſame or any of them, or any manors, meſſuages, parſonages appropriate, tithes, penſions, portions, or other hereditaments, whatſoever they be, which belonged or appertained, or which now belong or appertain, unto the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, houſes of Fryers, or other Religious and Eccleſiaſtical Houſes or Places, or unto any of them; ſhall have, hold, retain, keep and enjoy, as well the ſaid parſonages appropriate, tithes, penſions and portions, as the ſaid Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, Houſes of Fryers, and other Religious and Eccleſiaſtical Houſes and places, ſites, circuits, precincts, manors, meaſes, lands, tenements and other hereditaments whatſoever they be, and every of them, according to their Eſtates and Titles, [b] diſcharged and acquitted of payment of tithes, as freely, and in as large and ample manner as the ſaid late Abbots, Priors, Abbeſſes, Prioreſſes, and other Eccleſiaſtical Governours and Governeſſes, or any of them had, held, occupied, poſſeſſed, uſed, retained, or enjoyed the ſame, or any parcel thereof, at the days of the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the Kings Highneſs, of ſuch Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, Houſes of Fryers, or other religious or eccleſiaſtical Houſes or places, or at the day of the diſſolution, ſuppreſſion, renouncing, relinquiſhing, giving up, or coming to the Kings Highneſs of any of them, this Act, or any thing therein contained to the contrary notwithſtanding:

Such of the ſaid Lands as were held by the Religious, diſcharged of Tythes,

—ſhall be held by the King and his Grantees, diſcharged of Tythes,

—in as large and ample manner, as by the late Religious:

XXII. Saving to the Kings Highneſs, his Heirs and Succeſſors, all and all manner of Rents, Services, and other Duties whatſoever they be, as if this Act had never been had nor made.

Saving of Rents, Services, and Duties to the King.

XXIII. And be it further Enacted by Authority of this preſent Parliament, That ſuch of the ſaid late Monaſteries, Abbathies, Priories, Nunneries, Colleges, Hoſpitals, Houſes of Fryers, and other Religious and Eccleſiaſtical Houſes and Places, and all Churches and Chapels to them or any of them belonging, which before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming unto the Kings Highneſs, were exempted from the viſitation or viſitations, and all other juriſdiction of the Ordinary or Ordinaries, within whoſe Dioceſe they were ſituate or ſet, ſhall from henceforth be within the juriſdiction and viſitation of the Ordinary or Ordinaries within whoſe Dioceſe they or any of them be ſituate and ſet, or within the juriſdiction and viſitation of ſuch perſon or perſons, as by the Kings Highneſs ſhall be limited or appointed; this Act, or any other exemption, liberty or juriſdiction to the contrary notwithſtanding.

Religious Houſes exempt ſhall be under the Viſitation of the Ordinary;

—or of ſuch perſon as the King ſhall appoint.

XXIV. And where before this time it hath pleaſed the Kings Majeſty, at the Contemplation and humble Petition of the right Noble Thomas Duke of Norfolk, to give his Royal aſſent of licence by his Graces word, without any manner of Letters Patents, or other Writing, to purchaſe and receive to him and to his Heirs for ever, of William Flatbury, late Abbot of the Monaſtery of Sipton in the County of Suffolk, and Covent of the ſame late Monaſtery now being diſſolved, all the ſame Monaſtery, together with all and ſingular manors, lordſhips, lands, tenements, woods, waters, commons, courts, leets, advowſons, patronages, parſonages, vicarages, chantries, free chapels, tithes, portions of tithes, penſions, annuities, rents, ſuits, ſervices, reverſions, remainders, and all other things which were the hereditaments or the poſſeſſions of the ſaid late Monaſtery, whereſoever they lay, or were within the Realm of England: And in like wiſe our ſaid Sovereign Lord

Purchaſes of Religious Houſes, made by the Duke of *Norfolk*, and Ld *Cobham*, with the King's Licence by *word* only,

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[b] **Diſcharged and acquitted**] See the Commentary, on this Section, before, in pag. 672. in the Chapter, *Diſcharges from Tythes.*

Diſſolution of the Greater Religious Houſes.

gave like licence by his Graces word, unto the right honourable George Lord Cobham, to purchaſe and receive to him and to his heirs for ever, of the late Maſter and Brethren of the College or Chantry of Cobham in the County of Kent, now being utterly diſſolved, the ſite of the ſame College or Chantry, and all and ſingular their hereditaments and poſſeſſions, as well temporal as eccleſiaſtical, whereſoever they lay, or were, within the Realm of England:

—ſhall be good, to them, their heirs, and aſſigns.

XXV. Be it therefore enacted by the authority of this preſent Parliament, That the Act above written, or any thing therein contained, ſhall not be in any wiſe prejudicial or hurtfull to the ſaid Duke, and Lord Cobham, or to either of them, or to the heirs or aſſigns of either of them; but that the ſame Duke, and Lord Cobham, and either of them ſundrily, and the heirs and aſſigns of either of them, ſhall and may have, hold, receive and enjoy the premiſſes by them ſundrily purchaſed or received, according to the purports and effects of ſuch evidences, writings and conveyances, as they or any of them ſundrily have cauſed to be deviſed and made to them or to their uſes for the ſame.

Saving of Rights to all, other than the Governours, Founders, Donors, *&c.*

XXVI. Saving alway, and reſerving to all and ſingular perſons and bodies politick, and to their Heirs and Succeſſors (other than the ſaid late Abbot and Covent, and their Succeſſors, and the ſaid late Maſter and Brethren, and their Succeſſors, and the Founders of the ſame Monaſtery, or of the ſaid College or Chantry, and the Heirs of either of them, and all Donors, Granters or Augmenters of them, or of either of them, and the Heirs and Aſſigns of either of them) all ſuch rights, titles, poſſeſſions, rents, ſervices, fees, offices, annuities, corrodies, liveries, leaſes, and all other ſuch their intereſſes, profits and commodities, as they or any of them had, ſhould or ought to have, of, to or in any of the premiſſes ſundrily purchaſed or received by the ſaid Duke, or Lord Cobham, if this preſent Act had never been had or made; any thing in the ſame Act to the contrary being, in any wiſe notwithſtanding.

CAP. IV.

Diſſolution of the KNIGHTS HOSPITALLERS.

32 Henr. VIII. Cap. 24.

A.D.1541.

An Act concerning the poſſeſſions of St. John *of* Jeruſalem *in* England *and* Ireland.

The Knights of St. *John* of *Jeruſalem*, having maintained the authority of the Pope,

Diſſolution of the Knights Hoſpitallers.

THE Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, having credible knowledge, that divers and ſundry the Kings ſubjects, called the Knights of the Rhodes, otherwiſe called Knights of St. Johns, otherwiſe called Fryers of the Religion of [i] Saint John of Jeruſalem in England, and of a like houſe being in Ireland, abiding in the parts beyond the Sea, and having as well out of this Realm, as out of Ireland, and other the Kings Dominions, yearly great ſums of money for maintenance of their livings, have unnaturally, and contrary to the duty of their allegiances, ſuſtained and maintained the uſurped power and authority of the Biſhop of Rome, lately uſed and practiſed within this Realm, and other the Kings Dominions; and have not only adhered themſelves to the ſaid Biſhop, being common enemy to the King our Sovereign Lord, and to this his Realm, untruly upholding, knowledging and affirming maliciouſly and traiterouſly, the ſame Biſhop to be ſupream and chief head of Chriſts Church by Gods holy word, intending thereby to ſubvert and overthrow the good and godly Laws and Statutes of this Realm, their natural Countrey, made and grounded by authority of holy Church, by the moſt excellent wiſdom, policy, and goodneſs of the Kings majeſty, with the whole aſſent and conſent of the Realm, for the aboliſhing, expulſing, and utter extincting of the ſaid uſurped power and autho-

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Vid. ſupr. p.1175.

[i] St. John of Jeruſalem] Theſe were commonly called *Hoſpitallers*, from receiving and entertaining Pilgrims to the Holy Land in their *Hoſpital* at *Jeruſalem*; to whom were given the Lands of the *Templars* 17 *Edw.* 2. as being *ordained, inſtituted and Canonized for defence of Chriſtians and Holy Church*, i. e. for the ſame Ends that the *Templars* were.

rity,

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rity, but alſo have defamed and ſlandered as well the Kings Majeſty, as the Noblemen, Prelates, and other the Kings true and loving Subjects of this Realm, for their good and godly proceeding in that behalf; have therefore deeply pondered and conſidered, that like as it is and was a moſt godly Act of the Kings moſt Royal Majeſty, and the ſaid Noblemen, Prelates and Commons of this Realm, utterly to expulſe and aboliſh, not only from this Realm, but alſo from other the Kings Dominions, the ſaid uſurped power and authority of the Biſhop of Rome, and alſo the hypocritical and ſuperſtitious Religion in this Realm, and other the Kings Dominions, being his members and adherents, having their original erection and foundation by the ſaid uſurped authority; by expulſing whereof, Gods holy Word, neceſſary for increaſe of virtue and ſalvation of Chriſtian ſouls, is not only purely and ſincerely advanced and ſet forth, but alſo the extort exactions of innumerable ſums of money craftily exhauſted out of this Realm, and of other the Kings Dominions, by the colour of the ſaid uſurped authority, is removed and taken away, to the ineſtimable benefit and commodity of the Kings loving Subjects, ſo in like manner of wiſe, it ſhould be moſt dangerous to be ſuffered or permitted within this Realm, or in any other the Kings Dominions, any Religion being ſparks, leaves, and imps of the ſaid root of iniquity; conſidering alſo, that the Iſle of Rhodes, whereby the ſaid Religion took their old name and foundation, is ſurpriſed by the Turk; and that it were, and is much better, that the poſſeſſions in this Realm, and in other the Kings Dominions, appertaining to the ſaid Religion, ſhould rather be imployed and ſpent within this Realm, and in other the Kings Dominions, for the defence and ſurety of the ſame, than converted to, and among ſuch unnatural Subjects, who have declined not only from the natural duty of obedience that they ought to bear unto the King our Sovereign Lord, but alſo from the good Laws and Statutes of this Realm their natural Countrey, daily doing and attempting privily and craftily all that they can to ſubvert the good and godly policy, in the which, thanks be to God, and our moſt dread Sovereign Lord, this Realm, and other the Kings Dominions now ſtand in: In conſideration whereof, the ſaid Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, moſt humbly beſeechen the Kings moſt Royal Majeſty, that it may be Enacted by his Highneſs, and by the aſſent of the Lords ſpiritual and temporal, and the Commons in this preſent Parliament aſſembled, That the Corporation of the ſaid Religion, as well within this Realm, as within the Kings Dominion and Land of Ireland, by whatſoever name or names they be founded, incorporated or known, ſhall be utterly diſſolved and void to all intents and purpoſes. And that Sir William Weſton, Knight, now being Prior of the ſaid Religion of this Realm of England, ſhall not be named or called from henceforth, Prior of Saint Johns of Jeruſalem in England, but ſhall be called by his proper name of William Weſton Knight, without further addition touching the ſaid Religion. And that likewiſe John Rawſon Knight, now being Prior of Kilmainam in Ireland, ſhall not be called or named from henceforth, Prior of Kilmainam in Ireland, but only by his proper name of John Rawſon Knight, without further addition touching the ſaid Religion: Nor that any of the brethren or confreres of the ſaid Religion in this Realm of England and Land of Ireland, ſhall be called Knights of the Rhodes, nor Knights of St. Johns, but ſhall be called by their own proper Chriſten names and ſirnames of their Parents, without any other addition touching the ſaid Religion.

—and defamed and ſlandered the K. and his People, for aboliſhing it,

—to whom (being now Reformed) it would be dangerous to ſuffer any remains of Popery in the Realm;

—the Iſle of *Rhodes* alſo being in the hands of the *Turk*; and the revenue of the ſaid Knights better employed for the defence of this Realm;

Enacted, that, —The Corporation of the ſaid Knights ſhall be diſſolved;

—and the Priors and Brethren ſhall be called only by their proper names;

II. And be it further Enacted by Authority of this preſent Parliament, That if the ſaid William Weſton, or any of his brethren or confreres of the hoſpital or houſe of St. John of Jeruſalem in England, now abiding and dwelling within this Realm of England, or any other perſon or perſons being members profeſſed of or in the ſaid hoſpital, now dwelling within the ſaid Realm, at any time after the firſt day of July next coming, do uſe or wear within this Realm or elſewhere, in, or upon any apparel of their bodies, any ſign, mark, or token heretofore uſed and accuſtomed, or hereafter to be deviſed for the knowledge of the ſaid Religion; or make any Congregations, Chapiters, or Aſſemblies touching the ſame Religion; or maintain, ſupport, uſe or defend any liberties, franchiſes, or priviledges heretofore granted to the ſaid religion, by the authority of the Biſhop of Rome, or of the See of the ſame: that then every of them ſo offending, ſhall incur and run into the pains, forfeitures, and penalties ordained and provided by the Statute of Proviſion and Præmunire, made in the xvi. year of King Richard the ſecond. And if the ſaid John Rawſon Knight, or any of his brethren or confreres of the ſaid Hoſpital or Houſe of Kilmainam in Ireland, or any other perſon or perſons, being members profeſſed of or in the ſaid Hoſpital of Kilmainam, now abiding and now dwelling within the ſaid Land of Ireland, at any time after the laſt day of September next coming, do uſe or wear within this Realm, or within the ſaid Land of Ireland, or elſewhere, in or upon any apparel of their bodies, any ſign, mark, or token heretofore uſed and accuſtomed, or hereafter to be deviſed for the knowledge of the ſame Religion, or

If the Priors, or Members, in *England*, ſhall wear the habit of their Order, or hold Chapters, or maintain Privileges,

—they ſhall incur the pains of *Præmunire*;

—and the ſame, in *Ireland*,

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maintain, ſupport, uſe, or defend any manner of liberties, franchiſes, or priviledges heretofore granted to the ſame, by authority of the Biſhop of Rome, or of the See of the ſame; that then every of them ſo offending, ſhall incur and run into the pains, forfeitures and penalties ordained and provided by the ſaid Statute of Proviſion and Præmunire, made in the ſaid xvi. year of Richard the ſecond.

— and beyond the Seas.

III. And be it likewiſe Enacted by the Authority aforeſaid, That if any the Knights or confreres of the ſaid religion, being the Kings natural Subjects, which now inhabit, abide and dwell out of any the Kings Dominions, at any time after the firſt day of February next coming, do offend in any of the articles or offences next above rehearſed; that then every of them ſo offending, ſhall incur and run into the pains, forfeitures and penalties next above remembred.

The King ſhall have the Hoſpitals of the Templars, in *England* and *Ireland*, with all Manours, *&c.* thereunto belonging;

— and all goods, arrears of rent, *&c.* which they may claim by the Rules of the ſaid Religion.

Saving of Rights to all, other than to the Priors, and Brethren.

IV. And be it further Enacted by the Authority aforeſaid, That the Kings Majeſty, his heirs and ſucceſſors, ſhall have and enjoy all that Hoſpital, Manſion houſe, Church, and all other houſes, edifices, buildings, and gardens to the ſame belonging, being near to the City of London, in the County of Middleſex, called the houſe of Saint Johns of Jeruſalem in England; and alſo all that Hoſpital, Church and Houſe of Kilmainam in the Land of Ireland; and all and ſingular caſtles, honours, manors, meaſes, lands, tenements, rents, reverſions, ſervices, woods, medows, paſtures, parks, warrens, liberties, franchiſes, priviledges, parſonages, tithes, penſions, portions, Knights fees, advowſons, commandries, preceptories, contributions, reſponſions, rents, titles, entries, conditions, covenants, and all other poſſeſſions and hereditaments, of what natures, names, or qualities ſoever they be, and whereſoever they be or lie within this Realm of England, or within the Land of Ireland, or elſewhere within the Kings Dominions, which appertained or belonged to the ſaid Religion, or to the Priors, Maſters, or Governors, Knights, or other Miniſters profeſſed of or in the ſame, by the pretence, or in the right of the ſaid Religion: and all and ſingular goods, cattels, debts, arrerages of rents and farms, and all other things real and perſonal, whatſoever they be, whereof or whereunto any of the ſaid Priors, Brethren, or Confreres, or perſons profeſſed in the ſaid Religion, can have or claim any particular propriety to their own proper uſe by the Rules and Statutes of the ſaid Religion: To have and to hold the premiſſes, and every of them, to our ſaid Sovereign Lord, and to his heirs and ſucceſſors for ever, to uſe and employ by his moſt excellent wiſdom and diſcretion, at his own free will and pleaſure. And that his Highneſs ſhall be deemed and adjudged in the real and actual poſſeſſion of the premiſſes, by virtue and authority of this preſent Act. Saving to all perſons, and bodies politick, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them (other then the ſaid Prior of Saint Johns of Jeruſalem in England, and the ſaid Prior of Kilmainam in the land of Ireland, and the Brethren or Confreres of every of them, and the Succeſſors of every of them, and all and every other perſon and perſons of the ſaid Religion, and their Succeſſors and every of them, and the Succeſſors of every of them) all ſuch right, title, intereſt, poſſeſſion, leaſes, grants, annuities, fees, offices, corrodies, reverſions, rents, and ſervices, rent-charges, commons, rights, titles, entries, actions, petitions, penſions, portions, and all other hereditaments, of what names, natures, or qualities ſoever they be, which they have, ſhould, or ought to have had, if this Act had never been had ne made; any thing in this Act to the contrary thereof notwithſtanding.

Particular Penſions during life ſettled upon the Priors and Brethren of St. *John* of *Jeruſalem*, — *viz.* upon,
— *Wm. Weſton*, 1000 *l.*
— *John Rauſon*, 500 marks,
— *Clem. Weſt*, 200 *l.*
— *Tho. Pemberton*, 80 *l.*
— *Giles Ruſſel*, 100 *l.*
— *George Aylmer*, 100 *l.*
— *J. Sutton*, 200 *l.*
— *Edw. Bellingham*, 100 *l.*

EXP.

V. Provided alway, and be it enacted by the authority of this preſent Parliament, by the agreement and aſſent of the Kings moſt excellent Goodneſs, That the ſaid William Weſton, during his natural life, ſhall have and enjoy to his own uſe out of the premiſes yearly, one annual rent or penſion of one thouſand pounds, to be paid to him or his aſſigns at the Feaſt of St. Michael the Archangel, and the Annunciation of our Lady, by even portions; and alſo ſhall have to his own uſe, ſuch reaſonable portion of goods and chattels appertaining to the ſame Religion, as it ſhall pleaſe the Kings Majeſty of his moſt excellent goodneſs to limit and appoint of the ſame. And that the ſaid John Rauſon Knight, ſhall have and enjoy to his own uſe, out of ſuch poſſeſſions as he now hath in England and Ireland, one annual penſion of five hundred marks, to be paid to him or to his aſſigns at the Feaſts aforeſaid, by even portions; and likewiſe ſhall have to his own proper uſe, ſuch reaſonable portion of the goods of the ſaid Religion, as ſhall pleaſe the Kings Majeſty of his moſt excellent goodneſs to limit and appoint for the ſame. And that Clement Weſt, being one of the confreres of the ſaid Religion, ſhall have and enjoy during his natural life, one annuity or penſion of two hundred pounds. And that Thomas Pemberton, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of fourſcore pound. And that Giles Ruſſell another of the ſaid confreres, ſhall have and enjoy yearly during his natural life, one yearly penſion of one hundred pound. And that George Aylmer, another of the ſaid confreres, ſhall have and enjoy yearly during his natural life, one yearly penſion of one hundred pound. And that John Sutton, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of two hundred pound. And that Edward Billingham, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of one hundred pound. And that Edward Brown, another of the confreres

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freres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of fifty pound. And that Edmund Huſſe, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of one hundred marks. And that Ambroſe Cave, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of one hundred marks. And that Thomas Copledike, another of the confreres of the ſaid Religion, ſhall have and enjoy during his natural life, one yearly penſion of fifty pound.

—Edw Brown, 50 *l.*
— Edm. Huſſe, 100 marks.
— Ambroſe Cave, 100 marks.
—Tho. Copledike, 50 *l.*

VI. And that Cuthbert Leighton, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of threeſcore pound. And that Richard Broke, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of C. marks. And that Henry Poole, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of two hundred marks. And that William Tyrrill, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of thirty pound. And that John Rauſon, another of the confreres of the ſaid Religion, ſhall have and enjoy yearly during his natural life, one yearly penſion of two hundred marks. And that Anthony Rogers, Oſwald Maſſingberd, James Huſſe, Thomas Thornel, Nicolas Hupton, Philip Babington, Henry Jerad, Dunſtan Nudegate, Nicolas Lambert, and David Godſon, being confreres profeſſed in the ſaid Religion, and having at this preſent time no manner of certainty towards their living, ſhall have and enjoy every of them yearly, one yearly penſion of ten pounds: the ſaid ſeveral yearly penſions to be paid at the Feaſt of S. Michael the Archangel, and the Annunciation of our Lady, by even portions as is aforeſaid. And over this, every of the ſaid confreres above named and mentioned, ſhall have to their own proper uſes, ſuch reaſonable portions of the goods and chattels, being in their hands and poſſeſſions, appertaining to the ſaid Religion, as it ſhall pleaſe the Kings Majeſty to limit and appoint to every of them of the ſame.

—Cuthb. Leighton, 60 *l.*
— Richard Broke, 100 marks.
— Henr. Poole, 200 marks.
—Wm. Tyrril, 30 *l.*
— John Rauſon, 200 marks.
— Anthony Rogers, &c. 10 *l.*

Every Brother ſhall alſo have a reaſonable portion of the Goods.

VII. And be it alſo enacted by the authority aforeſaid, That if any the Kings ſubjects being profeſſed in the ſaid Religion, be negligently forgotten or omitted out of this preſent Act, for lack of knowledge of their names; that yet nevertheleſs every of them ſo forgotten, and not now preſently named or remembred, ſhall have and enjoy ſuch honeſt, convenient, and reaſonable yearly penſion and portion of goods, as ſhall pleaſe the Kings Majeſty to limit and appoint in that behalf.

If any of the Brethren be forgotten, he ſhall have a reaſonable Penſion aſſigned by the King;

VIII. Provided always, That none of the ſaid Priors or Confreres of the ſaid Religion ſhall have and enjoy any of the penſions afore ſpecified, except ſuch of them as be the Kings true and faithful Subjects; any thing in this Act to the contrary notwithſtanding.

— but none ſhall enjoy ſuch Penſions except the Kings Subjects.

IX. Provided alſo, and be it enacted by the authority aforeſaid, That John Mapleſden, otherwiſe called John Mableſtone, Clerk, Sub-prior of the ſaid Religion of the ſaid Hoſpital of S. John of Jeruſalem in England, William Emerſted Clerk, Maſter of the Temple of London, Walter Lymſey, and John Winter, Chaplains there, and every of them, ſhall have, perceive and enjoy, during their natural lives, all ſuch manſion-houſes, ſtipends and wages, and all other profits of money, in as large and ample manner, as they or any of them now lawfully have the ſame, without let or interruption of the King our Sovereign Lord, his heirs or ſucceſſors, or any other his officers or miniſters; the ſaid Maſter and two Chaplains of the Temple doing their duties and ſervices there as they have accuſtomed to do.

The Sub-Prior, Maſter, and two Chaplains, ſhall enjoy their houſes, and ſtipends; doing the accuſtomed Duties.

X. And be it further enacted by the authority aforeſaid, That the ſaid William Weſton, and John Rawſon, and every of the ſaid brethren or confreres aforenamed, and the ſaid ſub-prior, and the ſaid Maſter of the Temple, and two Chaplains, and every of them, being the Kings true and faithful Subjects, upon their reaſonable ſuits and petitions, ſhall have ſufficient Letters Patents of the ſaid ſeveral yearly annuities, penſions, manſions, ſtipends and wages, and other profits of Money to them limited by authority of this Act, under the Kings great Seal, without any fine or fee to be paid to the Kings uſe for the ſame.

The ſaid ſeveral Penſions ſhall be aſſured to them, under the Great Seal.

XI. And be it further enacted by the authority aforeſaid, That the ſaid brethren or confreres of the ſaid Religion, and all other obediencers being members of the ſaid Religion, ſhall be acquitted and diſcharged of their obedience that they have uſed to bear and give unto the ſaid William Weſton, or to the ſaid John Rawſon, or to any other of the ſaid Religion, by the Ordinances, Uſages, Rules or Statutes of the ſaid Religion: And that as well the ſame William Weſton, and John Rawſon, as the ſaid brethren or confreres of the ſaid Religion called Knights as is aforeſaid, and every of them being the Kings Subjects born in the Realm of England, or in the land of Ireland, or elſewhere within any the Kings Dominions, ſhall be enabled to ſue and be ſued by their own ſaid proper names and ſirnames, and have ſuch capacity, and other freedom, liberties and priviledges, to all intents and purpoſes, in as large and ample manner, form, faſhion and condition, as in the firſt Seſſion of this preſent Parliament was ordained and enacted for religious perſons: Any Statutes, Ordinances, Laws, Cuſtoms, Uſages, or any other thing or things to the contrary thereof in any wiſe notwithſtanding.

The Brethren ſhall be diſcharged of their obedience to the Priors;

—and both Priors and Brethren, may ſue by their proper names.

XII. Provided alſo, and be it enacted by the authority aforeſaid, That all Priviledges of ſanctuaries, heretofore uſed or claimed in manſion houſes, and other places commonly called St. Johns hold, and all other ſanctuaries heretofore uſed in any place within this Realm, or in Ireland, which heretofore hath been belonging to any of the ſaid Hoſpitals, ſhall ſtand and be utterly void, and of none effect, for or concerning any ſanctuary, or priviledges of ſanctuary, there to be had or uſed; the priviledges of common Churches and Church-yards, applied and uſed to Gods ſervice, and burials of Chriſtian people, only except.

Privileges of Sanctuary, belonging to the ſaid Hoſpitals, ſhall ceaſe,
— Churches and Church-yards, excepted.

XIII. And be it alſo enacted by the authority aforeſaid, That all the ſaid manors, meaſes, lands, tenements, and all and ſingular other poſſeſſions, priviledges, liberties, franchiſes, and other hereditaments granted to the Kings Majeſty by this Act, ſhall be in the ſurvey, rule, order and governance of the Chancellor and other Miniſters and Officers of the Court of the Aug-

The Lands granted by this Act, ſhall be in the Survey of the Court of Augmentations.

mentations of the Revenues of the Kings Crown; in like manner, form, faſhion and condition, as the poſſeſſions of the lands of the Abbeys, Monaſteries, or Priories ſuppreſſed or ſurrendred, been.

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Brethren out of the Realm, ſhall preſent themſelves to the King, *&c.* before *Pentecoſt*, *Ann.* 1541.

—and declare their Allegiance, and Submiſſion to the Laws,

—or elſe they ſhall not enjoy any penſion;

—unleſs they were detained by neceſſity.

XIV. And be it alſo enacted by the Authority aforeſaid, That all and every ſuch perſon and perſons as be now confreres of the ſaid Hoſpital or Hoſpitals, and at this preſent time out of this Realm, ſhall, before the Feaſt of Pentecoſt, which ſhall be in the year of our Lord God a thouſand five hundred fourty and one, return into the ſame, and here perſonally preſent themſelves to the Kings Majeſty, or to the Lord Chancellor of England, the Lord Treaſurer, the Lord Preſident of the Kings Council, and the Lord Privy Seal, or two of them for the time being at the leaſt; both acknowledging themſelves to be his Highneſs true and loyal ſubjects, and declaring themſelves to be content willingly to obſerve, keep and maintain all the Laws and Statutes of this Realm, as to true and good ſubjects appertaineth: or elſe the ſame confrere or confreres making default of ſuch his repair and preſentment, as is aforeſaid, ſhall in no wiſe claim and enjoy any penſion by virtue of this Act; any thing in the ſame contained notwithſtanding; unleſs the perſon or perſons ſo making default of repair and appearance, can ſhew and declare themſelves to have been detained, or by a neceſſary mean impeached and letted of their will, purpoſe and deſire to have come hither, and to have accompliſhed the whole contents of this Statute accordingly.

CAP. V.

Diſſolution of COLLEGES, FREE-CHAPELS, CHANTRIES, HOSPITALS, FRATERNITIES, GILDS, *and* STIPENDIARY PRIESTS.

37 Henr. VIII. Cap. 4.

A Bill for Colledges, Chantries, &c.

Diſſolution of Colleges, Free-Chapels, Chantries, Hoſpitals, Fraternities, Gilds, and Stipendiary Prieſts.

Divers Colleges, Free-Chapels, Chantries, *&c.* in *England* and *Wales*, having been incorporated,

—and ſince ſeiſed by the Founders, without the Kings Licence,

—or by covin, ſold to them by the members;

—Leaſes alſo, having been made by the ſaid Prieſts, without the cuſtomable rent reſerved,

IN their moſt humble wiſe ſhewen unto your Royal Majeſty your loving Subjects, the Lords Spiritual and Temporal, and the Commons of this preſent Parliament aſſembled, That where there have been divers Colledges, Free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts, having Perpetuity for ever within this your Realm of England, Wales, and the Marches of the ſame, of which, ſome of them by the licence of your gracious Highneſs, or of your noble Progenitors, and ſome of them by Feoffments and Wills thereupon declared, and ſome of them by other deviſes, conveyance and aſſurance, have been incorporated, eſtabliſhed, founded, erected, had or made, by divers names, ſirnames, degrees and corporations, to have had a perpetual continuance for ever: ſithence which time divers and many of the donors, founders or patrons, or ſuch as pretend to be donors, founders or patrons, of the ſame Colledges, Free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts, and divers other, of their avaricious and covetous minds, and of their own authority, without your gracious licence, have of late entred into the manſion houſes, manors, lands, tenements, and other hereditaments, to the ſame Colledges, free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts belonging and appertaining, and have expulſed the Prieſts, Wardens, Maſters, Miniſters, Rulers, Governours and Incumbents of the ſame, out and from the poſſeſſion thereof, and they, their heirs and aſſigns, do occupy and enjoy the ſaid manſion houſes, manors, lands, tenements and hereditaments, and do receive, take and employ, and convert the rents, iſſues, revenues and profits of the ſame to their own proper uſes: And ſome of the ſaid Prieſts, Wardens, Maſters, Miniſters, Rulers, Governours and Incumbents of the premiſſes, by covin between them and the patrons, donors or founders of the ſame, or of ſuch as pretend to be patrons, donors or founders of the ſame, or other, have alſo of their own authority, without your Graces licence, bargained and ſold all, or part of their manors, lands and tenements, annexed, united, pertaining or belonging to their ſaid Colleges, free Chappels, Chantries, Hoſpitals, and other the ſaid promotions: and ſome of the ſaid Prieſts, Wardens, Maſters, Miniſters, Rulers, Governours and Incumbents, by the aſſent and conſent of their patrons, donors, founders, or ſuch other as have had intereſt in the ſame: And ſome of the ſaid Prieſts, Rulers, Governours and Incumbents, of their own Authority, without the aſſent of their patrons, donors or founders, or of ſuch other as have had intereſt in the ſame,

have

Diſſolution of Colleges, Free-Chapels, Chantries, Hoſpitals, Fraternities, Gilds, and Stipendiary Prieſts.

—and Recoveries, *&c.* ſuffered, by covin,

—and the charge of the War againſt *France* and *Scotland*, being exceeding great;

have now of late made leaſes for term of life or lives, or for term of years, of their ſaid free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, or other the ſaid promotions, or of the manors, lands, tenements, and other the premiſſes, or of part thereof, and have not reſerved the cuſtomable rent and farm that the ſame hath been uſed to be letten for: And ſome of them by covin have ſuffered recoveries, levied fines, and made feoffments, and other conveyances of all or part of their ſaid poſſeſſions, by reaſon whereof divers of the ſaid free Chappels, Chantries, Hoſpitals, and other promotions aboveſaid, been clearly diſſolved, extinct or determined, contrary to the wills, minds, intents and purpoſes of the founders, donors or patrons of the ſame, and to the great contempt of your Majeſty, and of your Authority Royal: And we your Graces moſt loving, humble and obedient Subjects, right well knowing and perceiving the exceeding great and ineſtimable charges, coſts and expences which your Majeſty hath had and ſuſtained, and daily doth ſuſtain, as well for the maintenance of theſe preſent Wars againſt the Realms of France and Scotland, and for the preſervation and defence of us your ſaid Subjects, againſt the Invaſions and Malice of your Enemies the Frenchmen and Scots (who daily do ſtudy, deviſe and attempt to grieve, annoy and hurt your ſaid Subjects) as alſo for the maintenance of your moſt Royal eſtate, honour, dignity and eſtimation, which all your ſaid loving Subjects of natural duty been bound to conſerve and increaſe by all ſuch ways and means as they can deviſe; do therefore with our whole voice, petition and interceſſion, moſt humbly beſeech your Majeſty, that it may be enacted, ordained and eſtabliſhed by your Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, by the Authority of ſame, in manner and form following, that is to ſay:

Enacted, that, —All Colledges, Free Chapels, Chantries, *&c.* (with their Revenues,) which pay firſt-fruits and tenths,

—and which, between the 27*th.* and 37*th.* years of the K. have been diſſolved,

—ſhall be adjudged in the actual poſſeſſion of the King,

—as if they were ſpecially mentioned in this Act.

II. Be it enacted by the King our Sovereign Lord, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the authority of the ſame, That all and ſingular the ſaid Colledges, Free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and other the ſaid Promotions, had or made to have continuance in perpetuity for ever, and being, or that hath or ought to be, contributary or chargeable to the payment of the Firſt-Fruits and Tenths, according to the Laws and Statutes in that behalf had and made, by what name, ſurname, degree or corporation, they or any of them were founded, ordained, eſtabliſhed, erected, named, called or known; and all and ſingular the manſion houſes, manors, orchards, gardens, lands, tenements, paſtures, woods, waters, rents, reverſions, ſervices, commons, tithes, penſions, portions, churches, chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entries, conditions, leets, courts, liberties, priviledges, franchiſes, and other hereditaments whatſoever they be, appertaining or belonging, or that did appertain or belong, or were aſſigned or appointed to any ſuch Colledge, Free Chappel, Chantry, Hoſpital, Fraternity, Brotherhood, Guild, ſtipendary Prieſt, or other the ſaid promotions, or to any of them, or accepted, known, or taken as part, parcel, or member of them, or of any of them, and to the ſaid Colledges, Chantries, Free Chappels, Hoſpitals, Fraternity, Brotherhood, Guild, ſtipendary Prieſt, or other promotions, or to any of them united or annexed; which between the fourth day of February, in the ſeven and twentieth year of the Reign of our ſaid Sovereign Lord the King, and the five and twentieth day of December, in the ſeven and thirtieth year of the ſaid Kings Reign, by reaſon of any ſuch entry, expulſion, bargain, ſale, feoffment, fine, recovery, leaſe, or other conveyance thereof, had or made, been diſſolved, determined, relinquiſhed or extincted by any of the ways, means or conveyances aforeſaid, or otherwiſe, other then ſuch of them as now be or were in the Poſſeſſion of our ſaid Sovereign Lord the King, or that been granted or aſſured by his Highneſs licence, agreement, conſent or Letters Patents, to any other perſon or perſons, or have been lawfully obtained, or recovered by any perſon, by any former right or title, without fraud or covin, or by the Kings licence; ſhall from henceforth (by authority of this Act) be adjudged and deemed, and alſo be in the very actual and real poſſeſſion and ſeiſon of the King our Sovereign Lord, and of his Heirs and Succeſſors for ever, in as large and ample manner as the ſaid Prieſts, Wardens, Maſters, Miniſters, Governours, Rulers, or other Incumbents, or any of them, or the patrons, donors, or founders of them, or of any of them, at any time ſithence the ſaid fourth day of February, in the ſeven and twentieth year aforeſaid, had, occupied or enjoyed, or now hath, occupieth or enjoyeth the ſame, and as though all and ſingular the ſaid Colleges, Chantries, Hoſpitals, Free Chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions, and the ſaid manors, lands, tenements, hereditaments, and other the premiſſes whatſoever they be, and every of them, were in this preſent Act ſpecially, particularly and certainly rehearſed, named and expreſſed, by expreſs words, names, ſurnames, corporations, title and faculties, and in their natures, kinds and qualities, the ſaid entries, expulſions, bargains, ſales, fines, feoffments, recoveries, or other

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aſſurance and conveyance whatſoever they be, had or made (except before excepted) to the contrary notwithſtanding.

All Covenants made to any Chantry-Prieſts, ſhall be void.

III. And be it further Enacted by the Authority aforeſaid, That all covenants, bonds, and grants of any rent or annuity, made by any perſon or perſons to any Chantry Prieſt, or other, having any of the ſaid promotions, for and in conſideration of any bargain, grant, or other aſſurance made of any of the ſaid promotions, or any part of them, ſhall be void and fruſtrate.

Every Perſon who hath received money for any of the ſaid Manours,

—ſhall be bound to repay it.

IV, And over that, it is ordained and enacted by the authority aforeſaid, That all and every perſon and perſons, being in life, which have or hath, for any ſum of money to him or them paid, bargained or ſold any manors, lands, tenements, or other hereditaments, that did belong or appertain to any of the ſaid Colledges, Chantries, Free Chappels, Hoſpitals, Fraternities, Guilds, or other promotions aforeſaid, diſſolved, relinquiſhed, or determined, after the ſaid fourth day of February, as is aboveſaid, ſhall repay to ſuch perſons as ſo bought any of the ſaid manors, lands, tenements, or other hereditaments, or to his executors or aſſigns, upon a requeſt therefore made, as much money, as he or they received for the ſale of the thing ſo by him or them ſold: and for non-payment thereof, ſuch perſon and perſons as purchaſed or bought the ſaid lands, tenements, and other the premiſſes, or any parcel thereof, ſhall be enabled by the authority aforeſaid, to ſue and maintain an action of debt at the Common Laws of this Realm, againſt ſuch perſon or perſons as ſo bargained or ſold to him or them, or to their Teſtator, any of the premiſſes belonging to any Colledge, Chantry, free Chappel, Hoſpital, Fraternity, Guild, or other promotion aforeſaid; in which action of debt, no eſſoin, protection or wager of Law ſhall be admitted or allowed.

All Surrenders of Colleges, Chantries, &c. to the K. ſhall be good;

V. And be it further enacted by the authority aforeſaid, That all and every gifts, grants, ſurrenders, and all and every other aſſurances, had, made or done to the Kings Highneſs of any of the ſaid Colledges, Chantries, and other the ſaid promotions, or of any manors, lands, tenements, or other hereditaments to any of them annexed, united or belonging, at any time between the ſaid fourth day of February, in the ſaid ſeven and twentieth year of our ſaid Sovereign Lord the Kings Reign, and the ſaid five and twentieth day of December, in the ſeven and thirtieth year of his moſt gracious Reign; ſhall be by the ſaid authority taken, judged and deemed good and perfect, to all intents, conſtructions and purpoſes, as well againſt the ſaid Chantry Prieſts, Maſters, Wardens, Miniſters, Governours, Rulers, and other having any the ſaid promotions, their ſucceſſors and aſſigns, and the ſucceſſors and aſſigns of every of them, as againſt all and every founder, donor and patron thereof, and every of them, and the heirs and ſucceſſors of them, and every of them.

—and alſo all Grants thereof, made by the King, and Fines, Recoveries, &c. by the King's Aſſent.

VI. And be it further enacted by the authority aforeſaid, That all and every Letters Patents made by the Kings Highneſs to any perſon or perſons of any of the ſaid Colledges, Chantries, Guilds, Fraternities, or other the ſaid promotions, or of any part or parcel of the ſaid Colledges, Chantries, Hoſpitals, Guilds, Fraternities, Brotherhoods, or other the ſaid promotions: and that all fines, feoffments, recoveries, and all other aſſurances and conveyances thereof had or made by the Kings aſſent, conſent, licence or agreement, to any perſon or perſons, by any Chantry Prieſt, Maſter, Warden, Miniſter, Ruler, Governour, or other having any the ſaid Promotions, of any the ſaid Colledges, Chantries, Hoſpitals, Guilds, Fraternities, Brotherhoods, or any of the ſaid promotions, or of any manors, lands, tenements or hereditaments, belonging, annexed or united to any of them, or of any part, parcel or member of the ſame; ſhall ſtand and be in their forces and effects according to their tenors, forms and effects, and ſhall be by the authority of this Act, good, perfect, and available, as well againſt the ſaid Chantry Prieſts, Wardens, Maſters, Rulers, Governours, and other having any of the ſaid promotions, and their ſucceſſors, and the ſucceſſors of every of them, as againſt the founders, donors, and patrons of the ſame, and the ordinary of them, and every of them, and the heirs and ſucceſſors of every of them; any Law, Statute, Ordinance, or other thing to the contrary thereof notwithſtanding.

Great numbers of Chauntries, Hoſpitals, &c. ſtill remaining,

VII. And where alſo at this preſent time there be a great number of Chantries, Hoſpitals, Colledges, free Chappels, Fraternities, Brotherhoods, Guilds, and ſtipendary Prieſts, having perpetuity for ever, and being charged or chargeable to the payment of the Firſt-Fruits and Tenths, ſet, lying and being within this Realm of England and Wales, and other the Kings Dominions, or the Marches of the ſame, having divers manors, lands, tenements, poſſeſſions, and other hereditaments, to the ſame aſſigned, appointed, limited, united or annexed, by the patrons, donors or founders of them, which have been eſtabliſhed, ordained, founded, had or made by the ſaid patrons, donors or founders for ever, to the intent that alms to the poor people, and other good, virtuous and charitable deeds might be made, done and executed by the Wardens, Maſters, Miniſters, Governours, Brothers and Incumbents of the ſame: And for ſo much as it is right well known, that

that the ſaid Governours, Wardens, Maſters, Miniſters, Brothers and Incumbents, or the greateſt number of them, hitherto have not, ne yet do uſe, exerciſe, order and uſe their ſaid Chantries, Hoſpitals, Colledges, free Chappels, and other the ſaid promotions, nor the manors, lands, tenements and hereditaments to the ſame belonging, ne yet do beſtow, expend and employ the iſſues, rents, revenues and profits of the ſame, in alms, and other deeds of charity, according to ſuch vertuous and godly intents and purpoſes as the ſaid Chantries, free Chappels, Colledges, Hoſpitals, and other the ſaid promotions, were firſt founded, eſtabliſhed, erected, ordained, had, made or incorporated; to the great diſpleaſure of Almighty God, and to the diſcontentation of the King our Sovereign Lord: And for that the Kings Highneſs, of his moſt godly and bleſſed diſpoſition, intendeth to have the premiſſes uſed and exerciſed to more godly and virtuous purpoſes, and to reduce and bring into a more decent and convenient order, for the commodity and wealth of this his Realm, and for the ſurety of his Subjects of the ſame:

—but not uſed and ordered to virtuous and Godly Purpoſes,

—which the King intendeth to do;

VIII. Be it further enacted by the authority aforeſaid, That the Kings Majeſty ſhall and may at his Highneſs will and pleaſure, from time to time hereafter, during his natural life (which Almighty God long preſerve) make and direct his Graces Commiſſion or Commiſſions, under his Great Seal (every ſuch Commiſſion to be had and made upon a Warrant ſigned with his Graces hand) to ſuch number of perſons, and into ſuch Counties, Shires and places, as by his Highneſs ſhall be thought expedient and requiſite, giving unto the ſaid Commiſſioners, or to two of them at the leaſt, full power and authority by virtue of the ſame Commiſſion or Commiſſions, for and in his Highneſs name, to enter into all and ſingular ſuch and ſo many Chantries, free Chappels, Hoſpitals, Colledges, and other the ſaid promotions, and into all and ſingular ſuch manors, manſion houſes, meaſes, lands, tenements, paſtures, woods, waters, rents, reverſions, ſervices, poſſeſſions, and other hereditaments whatſoever they been, or into any part and parcel thereof, for and in the name of ſeiſin and poſſeſſion, of all the hereditaments annexed, united, belonging or appertaining to any Chantry, Hoſpital, free Chappel, Colledge, Fraternity, Brotherhood, Guild, or any other the ſaid promotions, or whereof any Prieſts, Provoſts, Governours, Rulers, or other Incumbents of them or any of them, by what name, ſirname, degree, title, or corporation they and every of them, or any of them been founded, erected, ordained, eſtabliſhed, named or called or known, now hath or enjoyeth, or hereafter ſhall have and enjoy, to the ſaid Chantries, Hoſpitals, free Chappels, Colledges, Fraternities, Brotherhoods, Guilds, or other the ſaid promotions being chargeable to the payment of the Firſt-Fruits and Tenths, and all Colledges chargeable or not chargeable to the ſaid payment of Firſt-Fruits and Tenths, as is aforeſaid, or to any of them, as ſhall be named, expreſſed and appointed in the ſaid Commiſſion or Commiſſions; and to ſeize and take the ſame Chantries, Hoſpitals, Colledges, free Chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions, manors, lands, tenements, and other the premiſſes mentioned in the ſaid Commiſſion and Commiſſions, and every of them, and every part, parcel, and member of the ſame, into the Kings poſſeſſion and hands: To have and to hold the ſame to the Kings Highneſs, and to his heirs and ſucceſſors for ever. And that the ſaid Commiſſioners, or two of them at the leaſt, may enter into any part or parcel of the ſaid Chantries, Hoſpitals, free Chappels, Colledges, and other the ſaid promotions, manors, lands, tenements and hereditaments mentioned in any ſuch Commiſſion, for and in the name of all the Chantries, Colledges, free Chappels, and other the ſaid promotions, manors, lands, tenements and hereditaments whatſoever they be, annexed, united, belonging or appertaining to any of the ſaid Chantries, Colledges, Chappels, or other the ſaid promotions, and expreſſed, mentioned and named in any ſuch Commiſſion: which entry ſo had and made into any part or parcel, for and in the name of all the premiſſes mentioned in any ſuch Commiſſion, ſhall by the authority of this Act be of as good force, value and effect in Law, to all intents, reſpects, conſtructions and purpoſes, as if the ſaid Commiſſioners, or two of them at the leaſt, had entred into all and every part and parcel of the ſame Chantries, Hoſpitals, free Chappels, Colledges, and other the ſaid promotions, manors, lands, tenements and hereditaments mentioned in any ſuch Commiſſion, although the ſaid Chantries, and other the ſaid promotions, manors, lands, tenements and hereditaments expreſſed within any ſuch Commiſſion, ſhall happen to be in ſundry and ſeveral Towns, Places, Shires or Counties within this Realm, Wales, and other the Kings Dominions: And that upon and by any ſuch entry had and made by the ſaid Commiſſioners, or by any two of them at the leaſt, into all, or into any part or parcel, in the name of all the manors, lands, tenements, poſſeſſions and hereditaments to the ſaid promotions, or any of them united, annexed, pertaining, or in any wiſe belonging, and mentioned in the ſaid Commiſſion, all and ſingular the ſaid Chantries, Hoſpitals, free Chappels, Colledges, and other the ſaid promotions, manſion houſes, manors, orchards, gardens, lands, tenements, medows, paſtures, woods, waters, rents,

Enacted, that, —The King, during life, ſhall direct his Commiſſions to two or more Perſons, in every County, to enter into all Chantries, Free-Chapels, *&c.* paying Firſt-fruits and Tenths;

—and into Colleges, paying or not paying,

—and to ſeiſe them into the King's poſſeſſion;

—and to enter into any part in the name of the whole,

—although in ſundry and ſeveral Towns, and Places.

Upon ſuch Entry, all the ſaid Chantries, *&c.* ſhall be adjudged in the actual poſſeſſion of the King,

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—as though each were particularly expreſſed in this Act.

The Commiſſioners ſhall make their Returns into Chancery.

reverſions, ſervices, tithes, penſions, portions, parſonages appropriate, Churches, Chappels, advowſons, nominations, patronages, annuities, rights, intereſts, entries, conditions, commons, leets, courts, liberties, priviledges, franchiſes, and other hereditaments, whatſoever they be, to the ſaid promotions mentioned in the ſaid Commiſſion, or to any of them belonging, or appertaining, united or annexed, ſo entred into, ſeiſed or taken, ſhall forthwith, and immediately after ſuch entry had and made (as is abovesaid) by authority of this Act, be veſted, adjudged and deemed, and alſo be in the very actual and real poſſeſſion and ſeiſon of our ſaid Sovereign Lord the King, and of his heirs and ſucceſſors for ever, as though all and ſingular the ſaid Chantries, Hoſpitals, Colledges, Free-Chappels, and other the ſaid promotions, and the ſaid manors, lands, tenements, hereditaments, and other the premiſſes whatſoever they be, and every of them, were adjudged and deemed by expreſs words, ſentences and terms in this Act, to be hereafter in the actual and real poſſeſſion and ſeiſon of our ſaid Sovereign Lord the King, and were in this preſent Act ſpecially, particularly and certainly rehearſed, named and expreſſed by expreſs words, names, ſurnames, corporations, titles and faculties, and in their natures, kinds and qualities, without any inquiſition by the oaths of twelve men, office or other entry, or further circumſtance thereof to be had or made: And that the ſaid Commiſſioners, or two of them at the leaſt, after ſuch entry and ſeiſure ſo by them had and made by vertue of the ſaid Commiſſion or Commiſſions ſo to them directed, ſhall certifie and return the ſaid Commiſſion and Commiſſions, and every of them (making mention in writing of their doings in the ſame, according to the words and authority to them given by the ſaid Commiſſion) into the Kings Court of the Chancery, at ſuch day as ſhall be limited in the ſaid Commiſſion or Commiſſions, there to remain of Record for ever.

The ſaid Chantries, &c. ſo ſeiſed,

—ſhall be in the Survey of the Court of Augmentations;

IX. And be it further enacted by the authority aforeſaid, That as well all and every the ſaid Chantries, Hoſpitals, Colleges, free Chappels, and other the ſaid promotions, and all the manſion houſes, manors, lands, tenements, poſſeſſions and hereditaments, and other the premiſſes whatſoever they be, and every part and parcel of them, which (by authority and vertue of this Act) been veſted, adjudged and deemed, and alſo ſhall be in the Kings poſſeſſion and hands, as alſo all other the ſaid Chantries, Hoſpitals, Colleges, free Chappels, and other the ſaid promotions, and all the manors, manſion houſes, lands, tenements, poſſeſſions and hereditaments, whatſoever they be, to them or any of them belonging or appertaining, and every part and parcel thereof, which hereafter ſhall happen to come to his Highneſs hands and poſſeſſion by any ſuch entry, ſeiſure or taking into his Graces hands, by Commiſſion or Commiſſions, as is abovesaid, from and after the ſaid entry, ſeiſure and taking into his Majeſties hands, ſhall be in the order, rule, ſurvey, and governance of our Sovereign Lord the Kings Court of Augmentations of the Revenues of his Crown, and to be granted, letten and ſet to farm by the Chancellor, Officers and Miniſters of the ſame Court, in ſuch manner and form as other manors, lands and tenements appointed to the ſaid Court of the Augmentations of the Revenues of his Graces Crown, been to be granted or letten: and that all the farms, iſſues, revenues and profits coming and growing of the premiſſes, or of any part thereof, ſhall be taken and received to the Kings uſe by the Officers and Miniſters of the ſame Court, in ſuch manner and form as is uſed and had of other manors, lands and tenements, and of the iſſues, revenues and profits of the ſame, committed to the order, rule, ſurvey and governance, of the ſaid Court of Augmentations; any Act, Statute, Ordinance, Cuſtom or Uſe heretofore had, made or uſed to the contrary notwithſtanding.

—and all ſuits and cauſes relating thereunto, and brought againſt the King, ſhall be determined there;

X. And be it further enacted by the authority aforeſaid, That all matters, variances, demands, ſuits, contentions and debates, to be had or made of or for any matter or thing, whereby the manors, lands, tenements and hereditaments ſo appointed to the ſaid Court of the Augmentations, ſhall be charged, asked, demanded or challenged, to the hurt, detriment or prejudice of the King, ſhall be heard, examined, tried, ended and determined, by and in the Court of Augmentations, in ſuch form, manner and condition as other matters and cauſes appointed to the ſaid Court, be ſued, heard, examined and determined, or by ſuch other ways and means as to the ſaid Court ſhall ſeem convenient and meet for the adminiſtration of juſtice indifferently between the Kings Highneſs and his Subjects.

—but between Subject and Subject, by the common Law.

XI. And be it further ordained and enacted by the ſaid authority, That all other matters, variances, contentions, ſuits, claims and demands to be had, made or done between any of the Kings Subjects, of, for or concerning the ſaid manors, lands, tenements and other the premiſſes, or any part thereof, or for any treſpaſs or other offence touching the ſame, ſhall be ſued, asked, demanded, tried and determined at and by the Common Laws of this Realm, and according to the rules, orders and judgment of the Common Laws and Statutes of this Realm, and not in the ſaid Court of the Augmentations of the Revenues of the Kings Crown; any Law, Statute, Ordinance, or other thing had, made or done to the contrary notwithſtanding,

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withſtanding, and as though the ſaid Court of the Augmentations of the Revenues of the Kings Crown had never been had ne made.

All Recoveries, Fines, *&c.* which ſhall be made without the King's aſſent, ſhall be void:

XII. And be it further enacted by the authority aforeſaid, That all recoveries, fines, feoffments, and other conveyances to be hereafter had, made, done or ſuffered, for or of any eſtate of inheritance or free-hold, without the Kings Majeſties aſſent, conſent, or agreement, by any of the ſaid Chantry Prieſts, Wardens, Maſters, Miniſters, Governors, Rulers, or other, having any of the ſaid promotions of the ſaid Chantries, Colledges, Guilds, Fraternities, Hoſpitals, and other the ſaid promotions, or of any manors, lands, tenements or other hereditaments, to the ſaid Chantries, Colledges, and other promotions united, annexed, belonging or appertaining, or to any part or parcel of them, and being not had, made, done or ſuffered to the Kings Highneſs, ſhall be utterly void, fruſtrate, and of none effect, as well againſt the Kings Majeſty, as againſt the ſucceſſor and ſucceſſors of every ſuch Chantry Prieſt, Governors, Rulers, and any other having any of the ſaid promotions, and every of them:

Saving of Rights to all, other than Governours, Founders, Patrons, Donors, *&c.*

XIII. Saving to all and every perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them, other then the Maſters, Wardens, Miniſters, Governors, Rulers, Prieſts and Incumbents of the ſaid Chantries, Hoſpitals, Colledges, free Chappels, Fraternities, Brotherhoods, Guilds, and other having any of the ſaid promotions, or any of them, and the ſucceſſors of them and of every of them: and other then ſuch as be and pretend to be founders, patrons, or donors of the premiſſes, or of any of them, or of any part or parcel thereof, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them; And other then ſuch perſon and perſons, and their heirs, ſucceſſors and aſſigns, as claim or pretend to have any eſtate, right, title, intereſt, uſe, poſſeſſion, or condition, of, in or to the premiſſes, or any part or parcel thereof, by reaſon of any feoffment, fine, bargain and ſale, or by any other ways, means or conveyance to them made of any eſtate of freehold, or inheritance, without the Kings aſſent, conſent or agreement, by any of the ſaid Maſters, Wardens, Miniſters, Governours, Rulers, Prieſts and Incumbents, or by the founders, donors or patrons of them, or any of them; all ſuch right, title, claim, poſſeſſion, intereſt, rents, annuities, commodities, commons, offices, fees, leaſes, liveries, livings, penſions, portions, ſinodies, proxies, debts, duties, and other profits, which they or any of them have, claim, ought, may, or might have had, in, of, or to any of the premiſſes, or in, of, or to any part or parcel thereof, in ſuch like manner and condition, to all intents, reſpects, conſtructions and purpoſes, as if this Act had never been had nor made, and as though the ſaid Chantries, Hoſpitals, Colledges, and other the ſaid promotions, had ſtill continued and remained.

If any Maſter, Prieſt, *&c.* hath let, within 1 year, or hereafter ſhall let, any Leaſe,

XIV. And it is further enacted by the authority aforeſaid, That if any of the ſaid Maſters, Wardens, Miniſters, Rulers, Governours, Prieſts, Incumbents, or owners of any ſuch Chantry, Hoſpital, free Chappel, College, Fraternity, Brotherhood, Guild, or other the promotions aforeſaid, or of any of them, within one year next before the three and twentieth day of November, in the ſeven and thirtieth year of our ſaid Sovereign Lord the Kings Reign, have made, or hereafter ſhall make any Leaſe or Grant under his or their common Seal, or other Seal, or otherwiſe for term of years, life or lives, of their ſaid Chantries, Hoſpitals, Colledges, Free Chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid Promotions, or of any part thereof, or of any manors, lands, tenements, poſſeſſions or hereditaments whatſoever they be, to them or any of them united, or annexed, belonging or appertaining, or to them or any of them limited or appointed, which manors, meaſes, lands, tenements, poſſeſſions, or other hereditaments whatſoever they be, were not before the ſaid Leaſe, for the more part of twenty years laſt paſſed, ſet, nor let to ferm, but kept and reſerved in manurance, tillage or occupation, or now be in the manurance of the ſaid Maſters, Wardens, Miniſters, Rulers, Governours, Prieſts, or Incumbents of the premiſſes, for the maintenance of Hoſpitality and good Houſe-keeping: Or within one year next before the ſaid three and twentieth day of November, hath made, or hereafter ſhall make any Leaſe or Grant for term of lives, or for term of years, of any of the ſaid manors, meaſes, lands, tenements, poſſeſſions, hereditaments, and other the premiſſes whatſoever they be, whereof, and in the which, any eſtate or intereſt for term of life, year or years, at the time of the making any ſuch Grant or Leaſe, then had, or ſhall have his being or continuance, and then was, or ſhall not be determined, finiſhed, or expired: Or within one year next before the ſaid three and twentieth day of November, hath made, or hereafter do make any Leaſe or Grant for term of life, or for term of years, of any of the ſaid manors, meaſes, lands, tenements, poſſeſſions, or other hereditaments whatſoever they be, upon which Leaſes and Grants, the uſual and old rents and ferms, accuſtomed to be yielden and reſerved by the ſpace of twenty years next before the ſaid three and twentieth day of November, be not, or ſhall not be thereupon reſerved and yielden; Or if any of the ſaid Prieſts, Maſters, War-

— of Lands not cuſtomably leaſed,

— or where another Leaſe had, or ſhall have, being,

— or without reſerving the accuſtomed Rent, *Diſſolution of Colleges, Free-Chapels, Chantries, Hoſpitals, Fraternities, Gilds, Stipendiary Prieſts.*

—all ſuch Leaſes ſhall be void ;

—and ſo alſo, Sales of Woods, yet ſtanding.

dens, Miniſters, or other the ſaid Governours or Rulers, ſithence the ſaid xxiij. day of November, hath made any bargain or ſale of his or their woods, which woods be yet growing and ſtanding ; that then all and every ſuch Leaſe and Grant of any of the premiſſes, and every ſuch bargain and ſale of wood or woods, ſhall be utterly void and of none effect.

This Act ſhall not extend to Manours and Lands, whereof any Prieſt, &c. is poſſeſſed to his own uſe ;

—nor to any Penſions for life, granted, or to be granted, by the King.

XV. Provided alway, and be it further enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not extend to any manors, lands, tenements, poſſeſſions, or hereditaments, which the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, or other the ſaid Governours or Rulers of the premiſſes, or of any of them, hath, or is, or hereafter ſhall have, or be poſſeſſed or ſeiſed of, in fee-ſimple, fee-tail, general or ſpecial, for term of life, term of years or otherwiſe, to his or their own proper uſes by inheritance or purchaſe, and not being united or annexed to his or their ſaid Colledges, Hoſpitals, free Chappels, or other the ſaid Promotions, nor to any manors, lands, tenements, poſſeſſions, rents, annuities, or yearly penſion or penſions of any yearly ſum or ſums of money heretofore given or granted, or hereafter to be given or granted by the King our Sovereign Lord, to any of the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, Governours, or Rulers of the premiſſes, or of any of them, for term of life only, under his Great Seal of England, or under the Seal of the Augmentation of the Revenues of the Kings Crown: But that all and every the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, and other the Governours and Rulers aforeſaid, and every of them, ſhall and may have, hold, poſſeſs, enjoy and keep, to their own proper uſes, all and ſingular ſuch manors, lands, tenements, poſſeſſions and hereditaments, rents, annuities, and yearly penſions, not being annexed or united to his or their ſaid Promotions, according to ſuch Intereſt, Eſtate, Title and Inheritance, as they or any of them hath, or ſhall have, of, and in the ſame ; any thing contained in this Act to the contrary notwithſtanding, and as though this Act had never been had ne made.

Allowance ſhall be made, in the payment of Tenths and Firſt-fruits, according to the rate and proportion of the Manours ſeiſed by the King.

XVI. Provided alſo, and be it enacted by the authority aforeſaid, That every of the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, and other the ſaid Governours and Rulers, from whom the Kings Highneſs, by virtue of this Act, ſhall have, take or ſeiſe any of his or their manors, lands, tenements, poſſeſſions, or other hereditaments, by any of the ways or means aforeſaid, without giving or aſſuring any recompence for the ſame, that they and every of them from thenceforth ſhall yearly be defaulked, abated, and allowed out of their yearly tenths hereafter to be paid, and alſo of their Firſt-Fruits, as they ſhall happen hereafter to be due to the King in his Court of firſt fruits and tenths, ſo much money, and after ſuch rate and portion, as the ſame manors, lands, tenements, and other hereditaments, which by authority of this Act ſhall come to the Kings hands and poſſeſſion by any of the ways or means aforeſaid, were aſſeſſed, valued, rated and taxed at, in and by the taxation of the tenths and firſt-fruits now remaining of record in the ſaid Court of firſt-fruits and tenths, by force of the Statute thereof made, had and provided.

All Annuities payable out of the ſaid Chantries, ſhall be continued.

XVII. Provided alway, and be it ordained by the authority aforeſaid, That all and every perſon and perſons that before the making of this Act had or enjoyed any manner of annuity or rent to be taken or had of any of the ſaid Chantries, Hoſpitals, Colledges, or other promotions aforeſaid, ſhall have and enjoy the ſame in like manner and form as they ſhould or ought to have done, if the ſaid Chantries, Hoſpitals, Colleges, and other the ſaid promotions had ſtill remained and continued in eſſe, and full being ; any thing in this Act mentioned to the contrary in any wiſe notwithſtanding.

Money already paid for Woods growing upon the Premiſſes, ſhall be repaid by the Court of Augmentations ;

XVIII. Provided alſo, and be it further enacted by the authority aforeſaid, That if any perſon or perſons have juſtly and truly, without fraud and covin, paid or given any ſums of money to any ſuch Maſter, Warden, Miniſter, Governour, Ruler, or to any other having any of the ſaid promotions, for the bargain and ſale of any woods growing in and upon any of the premiſſes, and not yet felled (as is aforeſaid) which bargain and ſale by this Act is made void and of none effect ; that the ſame buyers, their executors, or aſſigns, upon requeſt by him or them made to the Chancellor of the Court of Augmentations, for the time being, ſhall be well and truly contented and repaid of and with the Kings treaſure remaining in the hands of the Treaſurer of the ſaid Court of Augmentations, for the time being, by the hands of the ſaid Chancellor, Treaſurer, or other Officers of the ſame Court of Augmentations, within one year after any ſuch requeſt, and after the diſſolution of the ſaid Chantries, Colledges, Hoſpitals, and other the ſaid promotions, or after the ſeverance of any part of them: or elſe the ſaid bargainers and buyers of the ſaid wood ſhall have and enjoy, cut, take, and carry away the ſame woods ſo being by him or them bought ; any thing above mentioned to the contrary in any wiſe notwithſtanding.

Diſſolution of Colleges, Free-Chapels, Chantries, Hoſpitals, Fraternities, Gilds, and Stipendiary Prieſts.

—and Money being due for Firſt-fruits at the time of Seiſure, ſhall not be demanded.

XIX. Provided alſo, and be it enacted by authority aforeſaid, That if any ſuch Governour, Ruler, Warden, Maſter, Miniſter, or other having any the ſaid ſpiritual promotions, have or ſhall compound for their firſt-fruits for any ſuch ſpiritual promotions, according to the Laws and Statutes of this Realm, and the days of payment of any part thereof at the entry and ſeiſure thereof, as is abovesaid, ſhall not then be expired or paſt; that all ſums of money ſo to be payable at any day or days then to come, ſhall ceaſe, and be not payed, asked or demanded; any Bond, Recognizance, Surety, or other thing had or made to the contrary notwithſtanding.

All Rents concerning the Premiſſes, payable in the Exchequer, ſhall continue to be paid in the ſame Court.

XX. Provided alway, and be it Enacted, That all ſuch Rents, Services, Iſſues, Profits, and other ſums of money due and payable for any cauſe or matter concerning the premiſſes, or any of them, in the Kings Court of Exchequer, ſhall continue, and be continually and yearly levied, charged and payed in the ſame Court, in ſuch manner and form as heretofore have been uſed; any Law, Cuſtom, unity of poſſeſſion in the Kings Highneſs, or other thing to the contrary notwithſtanding; and as though the ſaid promotions, manors, lands, tenements, and other the premiſſes, had not come to the Kings hand or poſſeſſion.

CAP. VI.

Diſſolution of ſuch COLLEGES, FREE-CHAPELS, *and* CHANTRIES, *as were not ſeized before, nor excepted in Stat.* 37 *H.* VIII.

A.D. 1547.

1 Edw. VI. Cap. 14.

The Act for Chantries Collegiate.

Diſſolution of ſuch Colleges, Free-Chapels, and Chantries, as were not ſeized before, nor excepted in Stat. 37 *H.* VIII.

The doctrines of Purgatory and Maſſes, are upholden by the abuſe of Trentals, Chantries, *&c.*

—the amendment of which abuſes ought not to be committed to any other than the K.

Recital of the foregoing Stat. 37 *Henr.* 8. which veſteth all Colledges, Free-Chapels, *&c.* that

THE Kings moſt loving Subjects, [i] the Lords Spiritual and Temporal, and the commons in this preſent Parliament Aſſembled, conſidering that a great part of Superſtition and Errors in Chriſtian Religion, hath been brought into the minds and eſtimations of men, by reaſon of the Ignorance of their very true and perfect Salvation, through the death of Jeſus Chriſt, and by deviſing and phantaſying vain opinions of Purgatory, and Maſſes ſatisfactory, to be done for them which be departed; the which Doctrine and vain Opinion, by nothing more is maintained and upholden, then by the abuſe of Trentals, Chantries, and other proviſions made for the continuance of the ſaid blindneſs and ignorance: And further conſidering and underſtanding, that the alteration, change and amendment of the ſame, and converting to good and godly uſes, as in erecting Grammar-Schools to the education of Youth in vertue and godlineſs, the further augmenting of the Univerſities, and better proviſion of the poor and needy, cannot in this preſent Parliament be provided and conveniently done, nor cannot, ne ought to any other manner perſon be committed, then to the Kings Highneſs, whoſe Majeſty, with and by the advice of his Highneſs moſt prudent Council, can and will moſt wiſely and beneficially, both for the Honour of GOD, and the weal of his Majeſties Realm, order, alter, convert and diſpoſe the ſame: And calling further to their remembrance, that in the Parliament holden at Weſtminſter, the Seven and thirtieth year of the Reign of our late Sovereign Lord King Henry the Eighth, Father to our moſt Dread and Natural Sovereign Lord the King that now is, it was ordained, enacted, and eſtabliſhed amongſt other things, That all and ſingular Colleges, Free Chappels, Chantries, Hoſpitals, Fraternities, Brotherhoods, Guilds, and other promotions mentioned in the ſaid former Act, had or made to have continuance in perpetuity for ever, and then being, or that had or ought to be contributory or pay Firſt-fruits and Tenths, in the K.

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[i] The Lords] The Entry in the Journal of the Houſe of Peers, is, that this Bill was *communi omnium Procerum aſſenſu concluſa, except' Archiep.* Cant. *Epiſcopis* London'. Norwicen'. Hereford'. Wigorn'. Ciceſtren'. Dunelmen'. Elien'. Where the diſſent of the *Popiſh* Biſhops is eaſily accounted for, *viz.* becauſe they deſired that the Foundations might be continued as they then ſtood: But Archbiſhop *Cranmer* in his diſſent, acted upon a very different motive, *viz.* the hopes he had, that if theſe could be ſaved out of Lay-hands till the King was of age, he might be perſwaded to convert them to the bettering of the Condition of the poor Parochial Clergy; who were now diſappointed of all *hopes* of being better'd by other means, when they ſaw the Impropriations conveyed apace into Lay-hands.

Burn. V. 2. p. 45.

Diſſolution of ſuch Colleges, Free-Chapels, and Chantries, as were not ſeized before, nor excepted in Stat. 37 *H.* VIII.

chargeable to the payment of the Firſt-Fruits and Tenths, according to the Laws and Statutes in that behalf had and made, by what name, ſirname, degree or corporation, they or any of them were founded, ordained, eſtabliſhed, erected, named, called, or known: and all and ſingular the Manſion Houſes, Manors, Orchards, Gardens, Lands, Tenements, Paſtures, Woods, Waters, Rents, Reverſions, Services, Commons, Tithes, Penſions, Portions, Churches, Chappels, Advowſons, Nominations, Patronages, Annuities, Rights, Intereſts, Entries, Conditions, Leets, Courts, Liberties, Priviledges, Franchiſes, and other Hereditaments whatſoever, then appertaining or belonging, or that did appertain or belong, or were aſſigned or appointed to any ſuch College, Free-Chapel, Chantry, Hoſpital, Fraternity, Brotherhood, Guild, ſtipendary Prieſt, or other the ſaid Promotions, or to any of them, or accepted, known, or taken as part, parcel, or member of them, or of any of them: and to the ſaid Colledges, Chantries, Free-chappels, Hoſpitals, Fraternities, Brotherhoods, Guilds, ſtipendary Prieſts, or other the ſaid Promotions, or to any of them, or accepted, known or taken as part, parcel, or member of them, or of any of them: and to the ſaid Colledges, Chantries, Free-chappels, Hoſpitals, Fraternities, Brotherhoods, Guilds, ſtipendiary Prieſts, or other promotions, or to any of them united or annexed; which between the Fourth day of February, in the ſeven and twentieth year of the ſaid late Kings reign, and the five and twentieth day of December, in the ſeven and thirtieth of his Graces Reign, by reaſon of any Entrie, Expulſion, Bargain, Sale, Feoffment, Fine, Recovery, Leaſe, or other Conveyance thereof made, were diſſolved, determined or relinquiſhed by any of the ways, means, or conveyances mentioned in the ſaid Act, or otherwiſe, other than ſuch of them as then were in the poſſeſſion of the ſaid late King, that were granted or aſſured by his Licence, Agreement, Conſent, or Letters Patents to any perſon or perſons, or then had been lawfully obtained or recovered by any perſon by any former right or title, without fraud or covin, or by the Kings Licence; ſhall from thenceforth by authority of the ſame former Act, be adjudged and deemed, and alſo be in the very actual and real poſſeſſion and ſeiſon of the ſaid late King, and of his heirs and ſucceſſors for ever, in as large and ample manner as the ſaid Prieſts, Wardens, Maſters, Miniſters, Governours, Rulers, or other Incumbents, or any of them, or the Patrons, Donors or Founders of any of them, at any time ſithence the ſaid fourth day of February, in the ſeven and twentieth year aforeſaid, had, occupied or enjoyed, or then had, occupied or enjoyed the ſame, and as though all and ſingular the ſaid Colleges, Chantries, Hoſpitals, Free-Chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid promotions, and the ſaid manors, lands, tenements, hereditaments, and other the premiſſes whatſoever they be, and every of them, had been in the ſaid former Act ſpecially, particularly, and certainly rehearſed, named and expreſſed by expreſs words, names, ſirnames, corporations, titles and faculties, and in their natural kinds and qualities; the ſaid entrees, expulſions, bargains, ſales, fines, feoffments, recoveries, or other aſſurance and conveyance whatſoever they were, had or made (except before in the former Act excepted) to the contrary notwithſtanding.

—in as large and ample manner, as the Governours, &c. enjoyed them;

—and which alſo enables the King, to graut Commiſſions to ſeiſe them,

II. And where alſo it was enacted and granted to the ſaid late King, by the ſaid former Act, That the ſame late King during his natural life, might make and direct his Commiſſion and Commiſſions under his Great Seal, to enter into all and ſingular ſuch, and as many Chantries, Free-Chappels, Hoſpitals, Colleges, and other the promotions mentioned in the ſaid former Act, and into all and ſingular ſuch manors, manſions, houſes, meaſes, lands, tenements, paſtures, woods, waters, rents, reverſions, ſervices, poſſeſſions, and other hereditaments whatſoever, or into any part or parcel thereof, in the name, ſeiſin and poſſeſſion of all the hereditaments, annexed, united, belonging or appertaining to any Chantry, Hoſpital, Free-chapel, College, Fraternity, Brotherhood, Guild, or other the ſaid Promotions, or whereof any Prieſts, Provoſts, Governors, Rulers, or other Incumbents of them, or of any of them, by what name, ſirname, degree, title or corporation, they and every of them, or any of them were founded, erected, ordained, eſtabliſhed, named, called or known, then had or enjoyed, or that hereafter ſhould have or enjoy, to the ſaid Chantries, Hoſpitals, Free-chappels, Colleges, Fraternities, Brotherhoods, Guilds, and other the ſaid Promotions that then were chargeable to the Payment of the Firſt-fruits and Tenths, and all Colledges that were chargeable, or not chargeable to the ſaid Payment of the Firſt-fruits and Tenths, as is aforeſaid, or to any of them, as ſhould be named, expreſſed and appointed in the ſame Commiſſion or Commiſſions; and to ſeiſe and take the ſame Chantries, Hoſpitals, Colleges, Free-chappels, Fraternities, Brotherhoods, Guilds, and other the ſaid Promotions, manors, lands, tenements, and other the premiſſes mentioned in the ſaid Commiſſion or Commiſſions, and in every of them, and every part, parcel and member of the ſame, into the Kings poſſeſſion and hands; to have and to hold the ſame to the ſaid late King, and to his heirs and ſucceſſors for ever, as by the ſaid former Act, amongſt other things, more at large appeareth: It is now ordained and enacted by the

—and alſo all Colledges, that were chargeable, or not chargeable, with Firſt-fruits and Tenths.

Enacted, that,

Diſſolution of ſuch Colleges, Free-Chapels, and Chantries, as were not ſeiſed before, nor excepted in Stat. 37 H. VIII.

— Colledges, Free-Chapels, and Chantries, which were in being within 5 years,

the King our Sovereign Lord, with the aſſent of the Lords and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That *k* all manner of Colleges, Free-chappels and Chantries, having being, or in eſſe, within five years next before the firſt day of this preſent Parliament (which were not in actual and real poſſeſſion of the ſaid late King, nor in the actual and real poſſeſſion of the King our Sovereign Lord that now is, nor excepted in the ſaid former Act in form abovesaid, other then ſuch as by the Kings Commiſſions in form hereafter mentioned, ſhall be altered, tranſpoſed or changed) *l* and all manors, lands, tenements, rents, tithes, penſions, portions, and other hereditaments and things above mentioned belonging to them or any of them: And alſo all manors, lands, tenements, rents, and other hereditaments and things above mentioned, by any manner of aſſurance, conveyance, will, deviſe, or otherwiſe, had, made, ſuffered, knowledged or declared, *m* given, aſſigned, limited or appointed, *n* to the finding of any Prieſt, to have *o* continuance for ever, and wherewith, or whereby any Prieſt was ſuſtained, maintained or found, within five years next before the firſt day of this preſent Parliament (which were not in the actual and real poſſeſſion of the ſaid late King, nor in the actual and real poſſeſſion of our Sovereign Lord the King that now is) and alſo all annual rents, profits and emoluments, at any time within five years next before the beginning of this preſent Parliament, imployed, payed or beſtowed, toward or for the maintenance, ſupportation or finding of any ſtipendary Prieſt, intended by any act or writing to have continuance for ever; ſhall, by the authority of this preſent Parliament, immediately after the Feaſt of Eaſter next coming, be adjudged and deemed, and alſo be, in the very actual or real poſſeſſion and ſeiſon of the King our Sovereign Lord, and his heirs and ſucceſſors for ever, without any office or other inquiſition thereof to be had or found, and in as large and ample manner and form as the Prieſts, Wardens, Maſters, Miniſters, Governors, Rulers or other Incumbents of them or any of them, at any time within the five years next before the beginning of this preſent Parliament, had, occupied or enjoyed, or now hath, occupieth or enjoyeth the ſame, and as though all and ſingular the ſaid Colleges, Free-Chappels, Chantries, Stipends, Salaries of Prieſts, and the ſaid manors, lands, tenements, hereditaments and other the premiſſes whatſoever they be, and every of them, were in this preſent Act ſpecially, particularly and certainly rehearſed, named and expreſſed by expreſs words, names, ſurnames, corporations, titles and faculties, and in their natures, kinds and qualities.

—and all manours for the finding of any Prieſt,

—and all rents for the maintenance of any Stipendiary Prieſt,

—ſhall be deemed in the poſſeſſion of the King for ever,

—as though ſpecially named in this Act.

Where Lands for the maintenance of Prieſts are aſſigned for term of years only, the King ſhall enjoy the remaining term;

III. And over that, be it ordained and enacted by the Authority of this preſent Parliament, that where any manors, lands, tenements, tithes, penſions, portions, rents, profits or other hereditaments, by any manner of aſſurance, conveyance, will, deviſe or otherwiſe, at any time heretofore had, made, ſuffered, knowledged or declared, were given, aſſigned or appointed, to or for the maintenance, ſuſtentation or finding of one Prieſt, or of divers Prieſts, for term of certain years yet continuing, and that any Prieſt hath been maintained, ſuſtained or found with the ſame, or with the Revenues or Profits thereof within five years laſt paſt; that the King from the ſaid Feaſt of Eaſter next coming, ſhall have and enjoy in every behalf, for

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4 Len. 159. *k* **All manner of — Chantries**] *Ann.* 27 *Eliz.* in the Caſe of Sir *Henry Gilford*, it was ſaid, That Chantries are of two Sorts; either ſuch as were Incorporated by the Letters Patents of the King, or ſuch as (tho' not *duly* erected or Incorporated) did yet ſubſiſt as Chantries, in *Uſe* and *Reputation*. And it was expreſly held by the Court, in the Caſe of *Adams* and *Lambert*, That Chantries in *Reputation*, as well as Foundation, were given to the King by the preſent Act, but with this difference; that if a Chantry was ſet up by a private Perſon *of his own head*, or by Authority of the *Pope* only without the King, theſe were not Chantries within the Act; but otherwiſe, if there were the King's Letters Patents to *countenance* the Erection, tho' by reaſon of any defects, ſuch Letters Patents were not *valid* for that purpoſe.

Mo. 649. 4 Rep. 107. b.

4 Rep. 108. b. *l* **And all manors**] If theſe Words had not been added, nothing had been given to the King, but the bare *ſites* of the Colledges, Free Chapels, and Chantries.

2 Cro. 51. *m* **Given, aſſigned**] In the Caſe of *Holloway* and *Watkins*, where 400 *l.* was deviſed to the Dean and Chapter of *York* for the finding of a Chantry Prieſt, *&c.* and they obliged themſelves *ac omnia bona ſua* to perform this, and did perform it; tho' *Daniel* and *Warberton* held, that Lands having been evidently purchaſed for that cauſe, and a Prieſt maintained therewith, it was within this Clauſe; yet the other Juſtices held the contrary; That the *intent* of the Deviſor could not make a Chantry, nor did the Dean and Chapter make any Chantry; and as to the Sum they pay'd, they did not pay it out of the *Land only*, but out of all their Poſſeſſions: And that when no Lands *certain* are given to that purpoſe, nor employed for that purpoſe, it was not reaſon they ſhould be given to the King.

4 Rep. 110. b. *n* **To the finding of any Prieſt.**] Land of the value of 20 *l. per Ann.* being given to find a Prieſt, and no mention made *how much* of it ſhall be applied to the maintenance of him; the *whole* is veſted in the King by this Statute. And ſo it is, if 10 *l.* of the 20 *l.* is limited to the maintenance of a Prieſt, and nothing ſaid of the other 10 *l.* becauſe it ſhall be preſumed to be deſigned for *Books*, *Veſtments*, and ſuch other things, to carry on the Superſtitious Uſe. But if the other 10 *l.* was aſſigned to a *good* uſe (as to repair the Pariſh Church, to be diſtributed among the Poor, or the like) then the King could only have the 10 *l.* (which was allowed the Prieſt) as an *Annual Rent*.

1 Cro. 449. 4 Rep. 111. a.

Where two Uſes are mentioned in the ſame Gift, the one *Good*, the other *Superſtitious*, and it is not limited *how much* ſhall be applied to *each* uſe; the *whole* is veſted in the King, becauſe of the *Incertainty*.

o **Continuance for ever**] In the caſe of *Adams* and *Lambert*, it was reſolved that the *deſign* of the Act being to take away Superſtitious Uſes, and having *expreſly* taken away ſuch as were to have continuance for ever; ſuch as were determinable and limited *for a time* were alſo taken away by *Equity* and *Good Conſtruction*.

Diſſolution of ſuch Colleges, Free-Chapels, and Chantries, as were not ſeized before, nor excepted in Stat. 37 *H.* VIII.

and during all ſuch time to come, every ſuch and like things, tenements, hereditaments, profits and emoluments, as the Prieſt or Prieſts ought, or ſhould have had, for or toward his or their maintenance, ſuſtenance or finding, and for no longer or further time, nor for any other profit, advantage or commodity thereof to be taken.

—after which, the owner in reverſion ſhall enter.

IV. Provided always, and it is ordained and enacted by the Authority of this preſent Parliament, that when, and aſſoon as the time aſſigned for the maintenance, ſuſtentation or finding of the Prieſt or Prieſts, ſhall be expired and run; that then it ſhall be lawful to every perſon and perſons, to whom any manors, lands, tenements, tithes, portions, penſions, rents, and other hereditaments, or any of them, ſhould have belonged or appertained, if the ſaid former Act and this Act had never been had or made, to enter into, take, perceive, have and enjoy the ſame, without any manner of livery, Ouſter le maine, petition, or other ſuit to be made to the King; in like manner, form and condition, to all intents, conſtructions and purpoſes, as though the ſaid former Act, and this Act had never been had or made, and as though the King had never had any ſeiſon or poſſeſſion thereof; any thing in the ſaid former Act, or in this Act, to the contrary in any wiſe notwithſtanding.

The K. ſhall enjoy all Lands given for the maintenance of any Anniverſary, Obit, Light, or Lamp;

V. And be it ordained and enacted by the authority of this preſent Parliament, that the King our Sovereign Lord, his heirs and ſucceſſors, from the ſaid Feaſt of Eaſter next coming, ſhall have, hold, perceive and enjoy for ever, all lands, tenements, rents and other hereditaments, which by any manner of aſſurance, will, wills, deviſe or otherwiſe, at any time heretofore had, made, ſuffered, knowledged or declared, were given, aſſigned or appointed to go, or be imployed *p* wholly to the finding or maintenance of any Anniverſary or Obit, or other like thing, intent or purpoſe, or of any light or lamp, in any Church or Chappel, to have continuance for ever, which hath been kept or maintained within five years next before the ſaid firſt day of this preſent Parliament.

—or, if only part of any Lands was given for that uſe,

—the King ſhall enjoy that part as a Rent-charge;

VI. And alſo that where but part of the iſſues and revenues of any manors, lands, tenements, rents, or other hereditaments, hath by any of the ways or means aboveſaid been given, aſſigned or appointed to be beſtowed or imployed to the finding or maintenance of any Anniverſary or Obit, or other like thing, intent or purpoſe, or of any light or lamp, in any Church or Chappel, to have continuance for ever: that then our Sovereign Lord the King ſhall from the ſaid Feaſt of Eaſter next coming, for ever have, perceive and enjoy every ſuch ſums of money, that in any one year within five years next before the firſt day of this preſent Parliament, hath been expended and beſtowed about the finding or maintenance of any ſuch Anniverſary or Obit, or other like thing, intent or purpoſe, or of any light or lamp, to him, his heirs and ſucceſſors for ever, as a rent charge to be paid yearly at the Feaſt of Saint Michael the Archangel, and the Annunciation of our Lady Saint Mary the Virgin, by even portions in the Kings Court of the Augmentations and Revenues of his Crown, or in any other Court or Courts, as the King hereafter ſhall appoint.

—and in default of payment, may diſtrain;

—and for lack of diſtreſs, to enter.

And that it ſhall be lawful to our ſaid Sovereign Lord the King, his heirs and ſucceſſors, for non-payment of any ſuch ſum or ſums of money, to diſtrain in the ſaid manors, lands and tenements, of the iſſues and revenues, whereof the ſaid Anniverſary or Obit, or other like thing, or any ſuch light or lamp was found, ſuſtained or maintained: And that for lack of ſufficient diſtreſs, in or upon any the premiſſes, whereof any of the ſaid yearly rents, or ſums of money ſhould be paid by the ſpace of one month next after that any of the ſaid rents ſhould be paid, and be not paid within the ſaid month; That then it ſhall be lawful to and for our Sovereign Lord the King, his heirs and ſucceſſors, by vertue of this preſent Act, to enter into, and to have, and poſſeſs as much of the lands, tenements and hereditaments whereof the ſaid rent or rents ſhould be levied or paid, as the rent or rents that ſhould be levied or paid out of the ſame, doth or ſhall amount or come to in yearly value, and the ſame lands, tenements and hereditaments, to hold and keep, and to have to our ſaid Sovereign Lord the King, his heirs and aſſigns for ever, or for ſuch eſtate as our Sovereign Lord the King, his heirs or ſucceſſors, had or ought to have had, of or in the ſaid rent or rents.

The King ſhall enjoy all Sums in perpetuity, paid by any Corporation, Guild, *&c.* for the maintenance of any Prieſt, Anniverſary, Obit, Light, or Lamp;

VII. And it is alſo ordained and enacted by the Authority of this preſent Parliament, That our Sovereign Lord the King, ſhall from the ſaid Feaſt of Eaſter next coming, have, perceive and enjoy, all and ſingular ſuch ſums of Money, Profits, Commodities and Emoluments, which by virtue of any manner of Aſſurance, Conveyance, Compoſition, Will, Deviſe or otherwiſe, heretofore have been given, aſſigned, limited or appointed to have continuance for ever, which in any one year within five years next before the beginning of this preſent Parliament, have been

4 Rep. 116. b.

p Wholly] In the 2 and 3 *Phil. & Mar.* in *Whetſton*'s Caſe, it was adjudged, that where Lands were given to find an *Obit* in ſuch a Chapel, appointing a certain Sum upon it, and that the *Reſidue* ſhould be employed for the Reparation of the Chapel, in which the *Obit* was to be celebrated; all the Lands were veſted in the King, becauſe, although the Uſes ſeemed to be *different*, yet the one did *depend* upon the other.

Diſſolution of ſuch Colleges, Free-Chapels, and Chantries, as were not ſeized before, nor excepted in Stat. 37 *H.* VIII.

paid, beſtowed or employed by any manner of Corporations, Guilds, Fraternities, Companies or Fellowſhips of Myſteries or Crafts, or any of them, being in England, Wales, and other the Kings Dominions; or by the Maſters, Wardens, Governours, or other Officers or Miniſters, or by the Maſter, Warden, Governour, or other Officer or Miniſter of them, or any of them; toward or about the finding, maintenance or ſuſtentation of any Prieſt or Prieſts, of any Anniverſary or Obit, Lamp, Light or Lights, or other like thing, as is aforeſaid, to our ſaid Sovereign Lord the King, his Heirs and Succeſſors for ever, to be paid yearly as a Rent-charge, at the Feaſt of S. Michael the Archangel, and the Annunciation of our Lady, by even portions, in the Kings Court of Augmentations and Revenues of his Crown, or in any other Court or Courts, as the King hereafter ſhall appoint.

—and in default of payment, may diſtrain in all their Lands.

VIII. And that it ſhall be lawful for our ſaid Sovereign Lord the King, his heirs and ſucceſſors, for non-payment of any ſuch ſum or ſums of money, profit, commodity or emolument, or for non-payment of any of them, to diſtrain in all the manors, lands and tenements of every ſuch Crafts, Corporations, Guilds, Fraternities, Companies or Fellowſhips of Myſteries or Crafts, or any of them, by whom, or by the Maſters, Wardens, Governours or other Officers or Miniſters, or Maſter, Warden, Governour, or Miniſter, of the which any ſuch ſum or ſums of money, profit, commodity or emolument, have or hath been paid, beſtowed or employed: And that all and every of the ſaid ſums of money, profits, commodities and emoluments, ſhall from the Feaſt of Eaſter next coming, without any manner of inquiſition or office to be had or found, be judged and deemed to be in the actual and real poſſeſſion of our ſaid Sovereign Lord the King, in like manner and form to all intents, conſtructions and purpoſes, as if the ſame had been particularly and ſpecially mentioned in this preſent Act.

The King ſhall enjoy all Fraternities, Brotherhoods, and Gilds, with their poſſeſſions;

IX. And furthermore be it ordained and enacted by the Authority aforeſaid, That the King our Sovereign Lord, ſhall, from the ſaid Feaſt of Eaſter next coming, have and enjoy to him, his heirs and ſucceſſors for ever, all Fraternities, Brotherhoods and Guilds, being within the Realm of England and Wales, and other the Kings Dominions: and all manors, lands, tenements, and other hereditaments, belonging to them or any of them (other then ſuch Corporations, Guilds, Fraternities, Companies and Fellowſhips of Myſteries or Crafts, and the manors, lands, tenements and other hereditaments pertaining to the ſaid Corporations, Guilds, Fraternities, Companies and Fellowſhips of Myſteries or Crafts above mentioned) and ſhall, by virtue of this Act, be judged and deemed in the actual and real poſſeſſion of our ſaid Sovereign Lord the King, his Heirs and Succeſſors, from the ſaid Feaſt of Eaſter next coming, for ever, without any inquiſition or office thereof to be had or found.

—and grant Commiſſions to inſpect the Books of Lay-Corporations, concerning money for the maintenance of any Prieſt, Anniverſary, Obit, Light, or Lamp;

X. And alſo be it ordained and enacted by the Authority aforeſaid, that our ſaid Sovereign Lord the King, his Heirs and Succeſſors, at his and their will and pleaſure, may direct his and their Commiſſion and Commiſſions under the great Seal of England, to ſuch perſons as it ſhall pleaſe him: And that the ſaid Commiſſioners, or two of them at the leaſt, ſhall have full power and authority by virtue of this Act, and of the ſaid Commiſſion, as well to ſurvey all and ſingular Lay-corporations, Guilds, Fraternities, Companies and Fellowſhips of Myſteries or Crafts incorporate, and every of them, as all other the ſaid Fraternities, Brotherhoods and Guilds within the limits of their Commiſſion to them directed, and all the Evidences, Compoſitions, Books of Accompts, and other Writings of every of them; to the intent thereby to know what money and other things was paid or beſtowed to the finding or maintenance of any Prieſt or Prieſts, Anniverſary or Obit, or other like thing, Light or Lamp, by them or any of them: as alſo to enquire, ſearch and try by all ſuch ways and means as to them ſhall be thought meet and convenient, what manors, lands, tenements, rents, and other hereditaments, profits, commodities, emoluments and other things be given, limited, or appointed to our ſaid Sovereign Lord the King by this Act, within the limits of their Commiſſion.

—and to enquire what Lands are given to the King by this Act.

The Commiſſioners ſhall appoint Grammar-Schools and Preachers, wherever they have lately been,

XI. And alſo that the ſame Commiſſioners, or two of them at the leaſt, by virtue of this Act, and of the Commiſſion to them directed, ſhall have full power and authority to aſſign, and ſhall appoint (in every ſuch place where Guild, Fraternity, the Prieſt or Incumbent of any Chantry in eſſe the firſt day of this preſent Parliament, by the Foundation, Ordinance, or the firſt Inſtitution thereof, ſhould or ought to have kept a Grammar-School, or a Preacher, and ſo hath done ſithen the Feaſt of Saint Michael the Archangel laſt paſt) lands, tenements and other hereditaments of every ſuch Chantry, Guild and Fraternity, to remain and continue in ſucceſſion to a Schoolmaſter or Preacher for ever, for and toward the keeping of [q] a Grammar-School, or Preaching, and for ſuch godly intents and purpoſes, and in ſuch

Journ. Conv.

[q] A Grammar-School] Among the Petitions of the Clergy in Convocation, to the Upper-Houſe, *Ann* 1555. one is, *Item, for Schools and Hoſpitals promiſed in the Statute of ſuppreſſion of Colleges.*

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—and ordain a Vicar, with ſufficient Endowment, in every Pariſh-Church appropriated to the ſaid Colleges, *&c.*

—and to aſſign maintenance for more Prieſts, in towns where they are neceſſary;

—and to make Ordinances for ſuch Prieſts Schoolmaſters;

—and aſſign yearly penſions to ſuch as are diſplaced by this Act.

manner and form as the ſame Commiſſioners, or two of them at the leaſt, ſhall aſſign or appoint: And alſo to make and ordain a Vicar to have perpetuity for ever, in every Pariſh Church, the firſt day of this preſent Parliament, being a Colledge, Free-chappel or Chantry, or appropriated, annexed or united to any Colledge, Free-chappel or Chantry, that ſhall come to the Kings hands by virtue of this Act, and to endow every ſuch Vicar, ſufficiently, having reſpect to his Cure and Charge, the ſame Endowment to be to every ſuch Vicar, and to his ſucceſſors for ever, without any other Licence or Grant of the King, the Biſhop, or other Officers of the Dioceſs. And alſo the ſaid Commiſſioners, or two of them at the leaſt, ſhall have authority by force of this Act, to aſſign in every great Town or Pariſh, where they ſhall think neceſſary to have moe Prieſts then one, for the miniſtring of the Sacraments within the ſame Town or Pariſh, lands and tenements belonging to any Chantry, Chappel, or Stipendary Prieſt, being within the ſame Town or Pariſh the firſt day of this preſent Parliament, to be to ſuch perſon and perſons, as the ſaid Commiſſioners, or two of them at the leaſt, ſhall aſſign or appoint to continue in ſucceſſion for ever, for and towards the ſufficient finding and maintenance of one or more Prieſts within the ſame Town or Pariſh, as by the ſaid Commiſſioners, or two of them, ſhall be thought neceſſary or convenient: And as well to make Ordinances and Rules concerning the ſervice, uſe and demeanour of every ſuch Prieſt and Schoolmaſters, as is aforeſaid, to be appointed, as alſo by what name or names he and they ſhall from henceforth be named and called. And alſo that the ſaid Commiſſioners, or two of them at the leaſt, ſhall have full power and authority by vertue of this Act, and of the ſaid Commiſſion to them directed, to aſſign as well to every Dean, Maſter, Warden, Provoſt, and other Incumbent and Miniſter of any of the ſaid Colledges, Free-Chappels or Chantries, being within the limits of their Commiſſion, which hereafter ſhall be diſſolved or determined by vertue of this Act, as to every ſtipendary Prieſt, and other Prieſt, whoſe ſalary the King ſhall be intitled unto by this Act, as to every Fellow and poor Parſon having yearly relief out of any of the ſaid Colledges, Free-chappels or Chantries being within the limits of their Commiſſion, ſuch yearly annuities, penſions or other recompences during their ſeveral lives, as to the ſame Commiſſioners, or two of them, ſhall be thought meet and convenient.

Perpetual Penſions payable out of the ſaid Colleges, *&c.* to the Poor, ſhall be continued;

—and parcel of the Premiſſes, aſſigned for maintenance of Sea-banks;

—both which ſhall be paid half-yearly, out of the ſuppreſſed Lands.

XII. And over that, the ſaid Commiſſioners, or two of them at the leaſt, ſhall have full power and authority by vertue of this Act, and of the Commiſſion to them directed, to enquire and try by ſuch ways and means as they ſhall think meet and convenient, what money, profit and benefit any poor perſon or perſons by vertue of any conveyance, aſſurance, compoſition, will, device, or otherwiſe, heretofore had or made, intended or meant to have continuance for ever, had or enjoyed within five years next before the beginning of this preſent Parliament, out of any Colledge, Free-chapel or Chantry, and other the premiſſes, given, limited or appointed to the King by this Act, being within the limits of their Commiſſion: And thereupon to make aſſignments and orders, in ſuch manner and form as all and ſingular ſuch ſaid money, profit and commodity ſhall be paid to poor people for ever, according to ſuch ſaid aſſurance, compoſition, will, device, or other thing had or made for the ſame: and to aſſign and appoint lands, tenements, or other hereditaments, parcel of the premiſſes, for the maintenance and continuance of the ſame for ever: And alſo to appoint to Fraternities, Brotherhoods, Guilds, lands, tenements and hereditaments, parcel of the premiſſes, towards and for the maintenance of piers, jutties, walls or banks, againſt the rages of the ſea, havens and creeks. And that all and ſingular annuities, penſions, and other recompences ſhall be half yearly paid to the perſons to whom the ſame ought to be paid by the Kings Receiver for the time being, of his lands commonly called the ſuppreſſed lands, or other his revenues, lying in the County or City where ſuch Colledge, Free-chappel or Chantry, or other the premiſſes, given, limited or appointed to the King by this Act, the firſt day of this preſent Parliament, were or remained, without any fee or reward therefore to be payed: The firſt payment to be begun at the Feaſt of S. Michael the Archangel next coming: And that every ſuch receiver, upon his accompt, ſhall have full and due allowance of all ſuch annuities, penſions and other recompences by him paid, by vertue of any ſuch aſſignment to be made by the ſaid Commiſſioners, or two of them at the leaſt.

The Commiſſioners ſhall act beneficially towards charitable uſes,

XIII. And it is ordained and enacted by the authority of this preſent Parliament, That the ſaid Commiſſioners, and every of them, that ſhall take upon him the execution of any of the ſaid Commiſſions, ſhall be bound, as he will anſwer before GOD, to execute the Commiſſion to him and other directed, beneficially towards the Deans, Maſters, Wardens, Provoſts, and other Incumbents and Miniſters aforeſaid, and towards the poor people, concerning the ſaid aſſignments, and alſo toward the maintenance of piers, jutties, walls or banks, againſt the rages of the ſea, havens and creeks. And that all manner of aſſignments and ordinances to be made by the ſaid Commiſſioners, or two of them at the leaſt, and certified under

Diſſolution of ſuch Colleges, Free-Chapels, and Chantries, as were not ſeized before, nor excepted in Stat. 37 *H.* VIII.

their ſeals, or the ſeals of two of them at the leaſt, into the Kings Court of the Augmentations and revenues of his Crown, or to any other Court or Courts, by the Kings Majeſty to be made or aſſigned, ſhall, by vertue of this Act and of the ſaid commiſſions, be as good and effectual in the law, to all intents, conſtructions and purpoſes, as though the ſame had been aſſigned and ordained by authority of this preſent Parliament, by expreſs and apt words, terms and ſentences.

—and all Aſſignments by them made, ſhall be as good, as if done by Parliament.

XIV. Provided alſo, That ſuch annuities, or penſions, or other recompences, that the ſaid commiſſioners, or any of them, ſhall aſſign or appoint to be paid yearly to any ſuch Dean, Maſter, Warden, Governour, or other Incumbent, Fellow or Miniſter, ſhall not extend to any more clear yearly value, then ſuch Dean, Maſter, Warden, Provoſt, Governour, or other Incumbent, Fellow or Miniſter, or his Predeceſſor, lawfully had, or enjoyed in money, meat, drink, livery or allowance of the ſame yearly, within five years next before the beginning of this preſent Parliament.

Penſions ſhall not be greater than was the in-come of the Party;

XV. Provided alſo, That if any of the ſaid Maſters, Wardens, Provoſts, Governours, or other Incumbents, Fellow or Miniſter, ſhall at any time hereafter during his life, be promoted by the King to any Benefice, or other ſpiritual promotion, being of a better clear yearly value then his ſaid annuity or penſion, or other recompence ſhall be of: that then the annuity, penſion, or other recompence, that any ſuch Dean, Maſter, Warden, Governour, Provoſt or other Incumbent, Fellow or Miniſter, that ſo ſhall be promoted ſhall have, ſhall immediately after ſuch promotion had, ceaſe and utterly determine.

—and it ſhall ceaſe, if he be advanced to a Promotion of better value.

XVI. And be it ordained and enacted by the authority of this preſent Parliament, That the ſaid Commiſſioners, or two of them at the leaſt, to whom any Commiſſion by vertue or mean of this Act ſhall be directed and delivered, ſhall be bounden upon the forfeiture, every of them, of an hundred pound, to make certificate under their ſeals, or the ſeals of two of them at the leaſt, into the ſaid Court of the Augmentations and revenues of the Kings Crown, or into any other Court, as is aforeſaid, within one year next after the commiſſion to them directed, of all manors, lands, tenements, rents, tithes, portions, penſions, hereditaments, and recompences, by the ſame Commiſſioners or two of them, aſſigned or appointed to any of the uſes, intents or purpoſes above mentioned.

The Commiſſioners ſhall certify Aſſignments into the Court of Augmentations, &c.

XVII. And alſo be it ordained and enacted by the authority of this preſent Parliament, That our Sovereign Lord the King, ſhall have and enjoy all ſuch goods, chattels, jewels, plate, ornaments and other moveables, as were, or be the common goods of every ſuch College, Chantry, Free-chappel, or ſtipendary Prieſt, belonging or annexed to the furniture or ſervices of their ſeveral Foundations, or abuſed of any of the ſaid Corporations, in the abuſes aforeſaid, the property whereof was not altered nor changed before the eighth day of December, in the year of our Lord God M. D. XLVII.

The King ſhall have the goods, and ornaments of the places ſuppreſſed;

XVIII. And it is alſo ordained and enacted by the authority of this preſent Parliament, that all ſuch debts and ſums of money, as ought, or ſhould without fraud or covin hereafter to be paid, of the money or goods of any of the ſaid Colleges, due or payable by reaſon of any contract, ſpecialty or promiſe had or made before the ſame eighth day, ſhall truly and fully be paid by the Treaſurer of the Kings Court of the Augmentations and Revenues of his Crown, or by the Treaſurer or Receiver of any other Court to which any of the premiſſes ſhall be appointed, of the Kings Treaſurer, being in his or their hands, with as convenient ſpeed as the ſame may be payed.

—and all debts due to any perſon from them, ſhall be paid by the Court of Augmentations, &c.

XIX. Provided always, and be it ordained and enacted by the authority aforeſaid, that this Act, or any article, clauſe, or matter contained in the ſame, ſhall not in any wiſe extend to any College, Hoſtel or Hall, being within either of the Univerſities of Cambridge and Oxford, nor to any Chantry founded in any of the Colleges, Hoſtels or Halls, being in the ſame Univerſities; nor to the Free-chappel of St. George the Martyr, ſituate in the Caſtle of Windſor; nor to the College called St. Maries College of Wincheſter, beſides Wincheſter, of the Foundation of Biſhop Wickham; nor to the College of Eaton, nor to the Pariſh Church commonly called the Chappel in the Sea in Newton, within the Iſle of Ely, in the County of Cambridge; nor to any manors, lands, tenements or hereditaments, to them or any of them pertaining or belonging; nor to any Chappel made or ordained for the eaſe of the people dwelling diſtant from the Pariſh Church, or ſuch like Chappel, whereunto no more lands or tenements then the Church-yard, or a little houſe or cloſe doth belong or pertain; nor to any Cathedral Church or Colledge where a Biſhops See is, within this Realm of England, or in Wales; nor to the manors, lands, tenements, or other hereditaments of any of them, other than to ſuch Chantries, Obits, Lights and Lamps, or any of them, as at any time within five years next before the beginning of this preſent Parliament, have been had, uſed or maintained within the ſaid Cathedral Churches, or within any of them, or the iſſues, revenues or profits of any of the ſaid Cathedral Churches, to which any Chantries, Obits,

This Act ſhall not extend,
—to Colleges in the Univerſities, nor any Chantry therein;
—nor to *Windſor*,
—*Wincheſter*,
—*Eaton*,
—nor to *Newton*,
—nor to Chapels of Eaſe,
—nor to Cathedrals, other than the Chantries, &c. therein.

Diſſolution of ſuch Colleges, Free-Chapels, and Chantries, as were not ſeized before, nor excepted in Stat. 37 H. VIII.

Lights and Lamps, it is enacted by the authority aforeſaid, that this Act ſhall extend.

The King may change the names and foundation of Chantries, in the Univerſities.

XX. And it is ordained and enacted by the authority aforeſaid, that our Sovereign Lord the King, at any time during his Life (which God long preſerve) may at his will and pleaſure alter and change the name or names of all and ſingular Chantries, and the Foundations of the ſame, being in any of the Colleges, Hoſtels or Halls of any the ſaid Univerſities, according as to his godly Wiſdom ſhall be thought meet and convenient.

Saving of Rights to all, other than Governors, Founders, Patrons, or Donors, &c.

XXI. Saving to all and every perſon and perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them (other then the Maſters, Wardens, Miniſters, Governours, Rulers, Prieſts, Incumbents, Fellows and Brethren of the ſaid Colleges, Chantries, Free-Chappels, and other the premiſſes, given, limited or appointed to the King by this Act, and the ſucceſſors of them, and every of them, and other then ſuch as be, or pretend to be Founders, Patrons or Donors of the premiſſes, or any of them, or of any part or parcel thereof, and the heirs, ſucceſſors and aſſigns of every or any of them; and other then ſuch who be, or were feoffers, recoverees, coniſees, grantees, or deviſees of any of the premiſſes, to, or for any of the uſes, purpoſes or intents above-mentioned, or to the uſe of any of the ſaid Colledges, Free-chappels, Chantries, or other the premiſſes, given, limited, or appointed by this Act to the King, or to the intent to imploy the rents or profits thereof to the uſe of the Maſters, Rulers, Incumbents or Miniſters of them, or any of them; and other then ſuch perſon and perſons, and bodies politick and corporate, their heirs, ſucceſſors and aſſigns, as claim or pretend to have eſtate, right, title, intereſt, uſe, poſſeſſion or condition, of, in, or to the premiſſes, or any part or parcel thereof, by reaſon of any feoffment, fine, bargain and ſale, or by any other ways, means or conveyance to them made, of any eſtate of inheritance, without the ſaid late Kings licence, aſſent, conſent or agreement, and without the licence, aſſent or agreement of the Kings Majeſty that now is, by any of the ſaid Deans, Maſters, Wardens, Miniſters, Governours, Rulers, Prieſts or Incumbents, or by the founders, donors or patrons of them, or of any of them,) all ſuch right, title, claim, poſſeſſion, intereſt, rents, annuities, commodities, commons, offices, fees, leaſes, liveries, livings, penſions, portions, debts, duties, and other profits, which they, or any of them lawfully have, or of right ought to have, or might have had, in, of, or to any of the premiſſes, or in, of, or to any part or parcel thereof; in ſuch like manner, form and condition, to all intents, reſpects, conſtructions and purpoſes, as if this Act had never been had nor made, and as though the ſaid Chantries, Colledges, and other the ſaid promotions, had ſtill continued and remained in their full being: And ſaving to all and every Patron, Donor, Founder or Governour of any ſuch College, Chantry, Free-chappel, ſtipendary Prieſts, and other the premiſſes, given, limited or appointed to the King by this Act, and the Donor, Feoffer and Giver of the foreſaid lands, tenements or hereditaments, to them or any of them, or to any uſes or purpoſes before mentioned, all ſuch rents, ſervices, rents ſeck, rents charge, fees, annuities, profits and offices; and alſo leaſes for term of life, lives and years, whereupon the accuſtomed rent, or more is reſerved, as they or any of them lawfully had, perceived and enjoyed in, out, or of any the ſaid promotions, or out of any of the ſaid lands, tenements or hereditaments, before the firſt day of this preſent Parliament.

—and of reſerved Rents and Services, to the Founders, &c.

Money having been received for any of the Lands given to the King, ſhall be repaid;

XXII. And over that, it is ordained and enacted by the authority of this preſent Parliament, that all and every perſon and perſons being in life, which have or hath for any ſum of money to him or them payed, bargained or ſold any manors, lands, tenements, or other hereditaments aforeſaid, whereunto the King our Sovereign Lord is intituled, by vertue of this Act, ſhall repay to ſuch perſon as ſo bought any of the ſaid manors, lands, tenements, or other hereditaments, or to his executors or aſſigns, upon a requeſt therefore made, or within three months then next enſuing the ſame requeſt, as much money as he or they received for the ſale of any thing ſo by him or them ſold; And for non-payment thereof, ſuch perſon and perſons as purchaſed or bought the ſaid lands, tenements, and other the premiſſes, or any parcel thereof, and their executors and adminiſtrators, ſhall be enabled by the authority of this preſent Parliament, to ſue and maintain an action of debt at the Common law of this Realm, againſt ſuch perſon or perſons as ſo bargained or ſold to him or them, or to their teſtator, any of the premiſſes belonging to any Colledge, Chantry, Free-chappel, or other promotion ſpiritual; in which action of debt, none eſſoin, protection or wager of law ſhall be admitted or allowed.

—upon non-payment whereof, an Action ſhall be maintained at Common-Law.

Lands given by this Act, ſhall be in the Survey of the Court of Augmentations,

XXIII. And be it further enacted by the authority aforeſaid, that all and every of the ſaid Chantries, Colledges and Free-chappels, and other the premiſſes given, limited or appointed to the King by this Act, and all the manſion-houſes, manors, lands, tenements, poſſeſſions and hereditaments, and other the premiſſes whatſoever they be, given, limited and appointed to the King by this Act, and every part and parcel of them, which by authority and vertue of this Act been veſted, adjudged and deemed, *Diſſolution of ſuch Colleges, Free-Chapels, and Chantries, as were not ſeiſed before, nor excepted in Stat.* 37 *H.* VIII.

deemed, or ſhall be in the Kings Majeſties poſſeſſion and hands, or which the King ſhall be intituled unto by vertue of this Act, ſhall be in the order, ſurvey and governance of our Sovereign Lord the Kings Court of the Augmentations and Revenues of his Crown, or in ſuch other Court as the King at any time hereafter ſhall aſſign, name or appoint, and ſo ſhall and may be granted, letten and ſet to farm by the Chancellor, Officers and Miniſters of the ſame Court, or of any other Court ſo to be appointed, in ſuch manner and form as other manors, lands and tenements appointed to the ſame Court of Augmentations and Revenues of his Graces Crown, or other Court ſo to be appointed, been to be granted, or letten: And that all the farms, iſſues, revenues and profits coming and growing of the ſame premiſſes, and of every part thereof, ſhall be taken and received to the Kings uſe, by the Officers and Miniſters of the ſame Court or Courts, in ſuch manner and form as is uſed and had of other manors, lands and tenements, and of the iſſues, revenues and profits of the ſame, committed to the order, rule, ſurvey and governance of the ſaid Court of the Augmentations and Revenues of the Kings Crown, or any other Court ſo to be appointed; Any act, ſtatute, ordinance, cuſtom or uſe heretofore had, made, or uſed, to the contrary notwithſtanding.

—or of ſuch other Court, as the King ſhall aſſign.

XXIV. And it is further enacted by the authority aforeſaid, That if any of the ſaid Maſters, Wardens, Miniſters, Rulers, Governours, Prieſts, Incumbents, or owners of any ſuch Colledge, Chantry, free-Chappel, or of any the premiſſes given, limited or appointed to the King by this Act, or of any of them ſithence the three and twentieth day of November, in the xxxvii. year of the Reign of the ſaid late King, have made any Leaſe under his or their common Seal, or otherwiſe, for term of years, life or lives, of their ſaid Colledges, Chantries, Free-Chappels, or of other the ſame Premiſſes, or any part thereof, or of any manors, lands, tenements, poſſeſſions or hereditaments whatſoever they be, to them or to any of them united or annexed, belonging or appertaining, upon which leaſes the uſual and old rents and farms accuſtomed to be yielden and reſerved, or more, by the ſpace of twenty years next before the ſaid three and twentieth day of November, be not reſerved and yielden, ſhall be utterly void and of none effect: and that all leaſes and grants heretofore made of any of the premiſſes given, limited or appointed to the King by this Act, ſhall be as good, available and effectual in the law, to all intents, conſtructions and purpoſes, as if this Act had never been had or made; any thing in this Act, or any other Act heretofore had or made, to the contrary thereof in any wiſe notwithſtanding.

Leaſes made, ſince *Nov.* 27. *Ann. Reg.* 37. without reſerving the accuſtomed Rent, ſhall be void.

—but all others ſhall be good.

XXV. Provided always, and be it further ordained and enacted by the authority aforeſaid, That this Act or any thing therein contained, ſhall not extend to any manors, lands, tenements, poſſeſſions or hereditaments, which the ſaid Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, or other the ſaid Governours, Officers, Miniſters or Rulers of the premiſſes, or of any of them, hath or is, or hereafter ſhall have or be poſſeſſed or ſeiſed of in fee-ſimple, fee-tail, general or ſpecial, for term of life, term of years, or otherwiſe, to his or their own proper uſes, by inheritance or purchaſe; and not being at any time united or annexed to his or their ſaid Colledges, Free-chappels, Chantries, or other the premiſſes given, limited or appointed to the King by this Act: Nor ſhall extend to any manors, lands, tenements, poſſeſſions, rents, annuities, and yearly penſion or penſions, or to any yearly ſum or ſums of money, being united, or parcel of any of the ſaid Colleges, and other the premiſſes aforeſaid, or any of them, heretofore given or granted by the ſaid late King, or given or granted, or hereafter to be given and granted by the King our Sovereign Lord, to any of the ſaid Deans, Maſters, Wardens, Miniſters, Chantry Prieſts, Incumbents, Governours or Rulers of the premiſſes, or of any of them, for term of life onely, under his great Seal of England, or under the Seal of the Court of the Augmentations and Revenues of the Kings Crown, or any other of the Kings Seals of any of his Courts; any thing contained in this Act to the contrary in any wiſe notwithſtanding.

This Act ſhall not extend to Lands, whereof any is poſſeſſed to his own uſe;

—nor to the Penſions given, or to be given.

XXVI. Provided alway, and be it enacted by authority aforeſaid, That as well all and every Patron, Donor, Founder and Giver of any of the ſaid promotions or premiſſes, or giver, donor or feoffer of any their lands, tenements, poſſeſſions, or other hereditaments, as all and every perſon and perſons, bodies politick and corporate, which before the making of this Act lawfully without fraud or covin, had or enjoyed any manner of rent, or other yearly profits to be taken, perceived or had of any Chantries, Colleges, Free-Chappels, or other the premiſſes given, limited or appointed to the King by this Act, or out of any manors, lands, tenements, or other poſſeſſions of them, or any of them, ſhall have and enjoy the ſame in like manner and form as they ſhould or ought to have done, if the ſaid Colleges, Chantries, Free-Chappels, and other the premiſſes given, limited or appointed to the King by this Act, had ſtill remained and continued in eſſe and full being; Any thing in this Act mentioned to the contrary notwithſtanding.

Rents paid to Patrons, &c. ſhall be continued.

Diſſolution of ſuch Colleges, Free-Chapels, and Chantries, as were not ſeized before, nor excepted in Stat. 37 H. VIII.

First-fruits payable the firſt day of this Parliament out of the Places diſſolved, ſhall not be demanded.

XXVII. Provided alſo, and be it enacted by the authority aforeſaid, That if any ſuch Governour, Ruler, Warden, Maſter, Incumbent, Miniſter, or other, having any of the ſaid ſpiritual Promotions, or Incumbents, have or ſhall compound for the Firſt-fruits of any ſuch ſpiritual Promotions, according to the Laws and Statutes of this Realm, and the days of payment of any part thereof not expired before the firſt day of this Parliament, that all ſums of money ſo to be due and payable ſithence the ſaid firſt day of this Parliament, ſhall ceaſe and be not paid, asked or demanded; any Bond, Recogniſance, Surety, or other thing had or made to the contrary notwithſtanding.

Rents payable in the Exchequer, ſhall continue to be paid there.

XXVIII. Provided always, and be it enacted by the authority aforeſaid, That all ſuch rents, ſervices, iſſues, profits, and other ſums of money payable out of, or for any of the premiſſes, or any of them, in the Kings Court of his Exchequer, ſhall continue, and be continually and yearly levied, charged, or payed in the ſame Court, in ſuch manner and form as heretofore hath been uſed; any law, cuſtom, unity of poſſeſſion in the Kings Highneſs, or other thing to the contrary notwithſtanding, and as though the ſaid promotions, manors, lands, tenements, and other the premiſſes had not come to the Kings hands or poſſeſſion.

All Grants of Lands belonging to the ſaid Colleges, *&c.* made by K. *H.* 8. or his preſent Majeſty,

XXIX. And be it further enacted by the Authority aforeſaid, That all and every Letters Patents made by the ſaid late King Henry the eighth, or by the Kings Majeſty that now is, or hereafter to be made by his Highneſs to any perſon or perſons, or to any Archbiſhop or Biſhop, of any the ſaid Colleges, Chantries, Free-Chappels, or other the premiſſes, or any part or parcel of them, or of any lands, tenements or hereditaments belonging or appertaining, or that did belong or appertain to them, or to any of them, and all fines, gifts, grants, feoffments, recoveries, and all other aſſurances and conveyances thereof had or made by the aſſent, conſent, or licence under the Great Seal of England, of the ſaid late King Henry the eighth, or of the Kings Majeſty that now is, to any perſon or perſons, bodies politick or corporate, by any Chantry Prieſt, Maſter, Warden, Miniſter, Ruler, Governour, or other having any of the ſaid Promotions of any the ſaid Colleges, Chantries, Free-Chappels, or other the premiſſes, or any of them, or of any part, parcel or member of the ſame; ſhall ſtand and be in their forces and effects, and ſhall be good and effectual in the Law, for ſuch eſtates and intereſts given, granted, limited or appointed in any of the gifts, grants, aſſurances or conveyances thereof had or made according to their purport, form and manner, and according to the true intent and meaning of the ſame aſſurances, and ſhall be by authority of this Act good, perfect and available, as well againſt the King, his Heirs and Succeſſors, as againſt the ſaid Chantry Prieſts, Wardens, Maſters, Rulers, Governours, and other having any of the ſaid promotions, and their ſucceſſors, and the ſucceſſors of every of them, as alſo againſt the Founders, Donors, and Patrons of the ſame, and the Ordinary of them, and every of them, and the heirs and ſucceſſors of every of them; any Law, Statute, Ordinance, or other thing to the contrary thereof notwithſtanding.

—and all Conveyances by the Licence of either,

—**ſhall be good and available in Law.**

Grants of Eccleſiaſtical Revenues, made to K. *H.* 8. and *Edw.* 6. by Biſhops, Deans, *&c.*

XXX. And where divers and ſundry Biſhops, Deans, Archdeacons, Treaſurers, Prebendaries, Chantry Prieſts, Maſters, Provoſts, Rulers, Governours of any Deanaries, Archdeaconries, Treaſurerſhips, Prebends, Free-Chappels, Chantries or Colleges within this Realm of England, and other the Kings Majeſties Dominions, or any of the Patrons, Founders, Donors of any of the Biſhopricks, Treaſurerſhips, Deanaries, Chantries, Free-Chappels, or other the ſaid Spiritual Promotions, of their voluntary wills or minds, for divers good and reaſonable cauſes and conſiderations, by Deed or Deeds enrolled, or by other writings or conveyances heretofore given and granted to the late King of famous memory, Henry the eighth late King of England, and to his Heirs, or to our Sovereign Lord the King that now is, and to his Heirs, divers of their Deanaries, Archdeaconries, Treaſurerſhips, Prebends, Chappels, Chantries and Colleges, or any other Eccleſiaſtical or Spiritual Promotions laſt before remembred; and all or ſome part of the manors, lands, tenements, tithes, penſions, annuities, rents, reverſions, and other revenues, hereditaments, poſſeſſions, emoluments, and profits to the ſame Biſhopricks, Deanaries, Colleges, and other like Promotions, Benefices, Offices and Dignities, or to any of them belonging, appertaining, united or annexed, or which the ſaid Biſhops, Deans, Archdeacons, Treaſurers, Chantry Prieſts, Maſters, Provoſts, Rulers, Governours, and other Eccleſiaſtical or Spiritual Officers or Miniſters, or any of the ſaid Patrons, Donors or Founders, or any of them, had or enjoyed in the right, or by reaſon of any of the ſame Promotions, Offices or Dignities:

—ſhall be good and effectual in Law.

XXXI. Be it enacted by the authority aforeſaid, That all and every Gifts and Grants heretofore made to the ſaid late King, and to his Heirs, or to our Sovereign Lord the King that now is, and to his Heirs, by any Archbiſhop, Biſhop, Dean, Archdeacon, Treaſurer, Prebendary, Maſter, Provoſt, Governour, or other the ſaid Eccleſiaſtical or Spiritual perſon or perſons, or by any Patron, Donor or Founder

of

Diſſolution of ſuch Colleges, Free-Chapels, and Chantries, as were not ſeized before, nor excepted in Stat. 37 H. VIII.

of any of the ſaid Deanries, Chantries, or other of the ſaid Spiritual or Eccleſiaſtical Promotions, of all or any of the manors, lands, tenements, tithes, rents, reverſions, penſions, portions, annuities, or other hereditaments, revenues, emoluments, profits or commodities, to any of the ſaid Benefices, Offices, Prebends, Promotions or Dignities belonging, appertaining, united or annexed, or which any of the ſame Archbiſhops, Biſhops, Deans, Archdeacons, Treaſurers, Maſters, Provoſts, Prebendaries, Rulers, Governours, Officers or Miniſters, Patrons, Founders, or Donors, had or enjoyed, or have or enjoy, or ought to have or enjoy in the right, or by reaſon or means of any of the ſame Promotions, Offices or Dignities; ſhall be good and effectual in the Law, to all intents and purpoſes: Saving to all and every perſon and perſons, and bodies politick and corporate, their heirs, ſucceſſors and aſſigns, and to the heirs, ſucceſſors, and aſſigns of every of them (other then the Archbiſhops, Biſhops, Deans, Archdeacons, Treaſurers, Prebendaries, Rulers, Governouts, Wardens, Provoſts, Givers and Granters of any of the premiſſes, and their heirs, ſucceſſors and aſſigns; and other then ſuch Eccleſiaſtical or Spiritual Perſon, bodies politick or corporate, as are, or pretend to be Founders, Donors, Patrons, or Ordinaries of the premiſſes, or any of them) all ſuch rights, titles, intereſts, claims, entries, rents, reverſions, remainders, fees, offices, annuities, lands, tenements, hereditaments, profits, commodities, and emoluments, as they or any of them have, or ſhould or ought to have had, of, in, or to the premiſſes next above mentioned, or any part thereof, as if this Act had never been had or made; any thing in this Act to the contrary in any wiſe notwithſtanding.

Saving of Rights to all, other than the ſaid Grantors, *&c.*

This Act ſhall not make good any alienations of Parſonages or Vicarages;

XXXII. Provided always, That this Act, or any thing therein contained, ſhall not in any wiſe extend to make good or effectual any gift, grant, bargain, ſale, or alienation made by any Parſon or Vicar of their Parſonages or Vicarages, or of any part or parcel thereof, or of any thing to them, or any of them, belonging or appertaining.

— nor ſhall prejudice the Ld. *Cobham*, concerning the College of *Cobham*;

XXXIII. Provided alſo, That this Act, or any thing therein contained, ſhall not in any wiſe extend to hinder or prejudice George Brooke, Knight, Lord Cobham, his heirs or aſſigns, for or concerning the late Colledge of Cobham, in the County of Kent, or the manors, lands, tenements or poſſeſſions thereof; any thing above mentioned to the contrary in any wiſe notwithſtanding.

— nor extend to the general Corporation of any City, Borough, or Town.

XXXIV. Provided alſo, and be it enacted by the authority aforeſaid, That this preſent Act, nor any thing therein contained, ſhall in any wiſe extend or be prejudicial or hurtful to the general corporation of any City, Borough or Town within this Realm, or any other the Kings Dominions, ne ſhall extend to any the lands, or hereditaments of them or any of them; any thing therein contained to the contrary in any wiſe notwithſtanding.

Lands given by this Act within the Dutchy of *Lancaſter*, ſhall be in the Survey of that Court.

XXXV. Provided alſo, and be it enacted by the Authority aforeſaid, That all ſuch of the ſaid Colledges, Free-chappels, Chantries, or other the premiſſes, being appointed and given to the Kings Highneſs by the authority of this Act, as be within the Dutchy of Lancaſter, and all manors, lands, tenements, and hereditaments pertaining or belonging to the ſame Colledges, Free-chappels, and Chantries, ſhall, after the ſaid Feaſt of Eaſter next coming, be within the ſurvey and order of the Court of the Dutchy of Lancaſter, in ſuch manner and form as other the premiſſes be aſſigned or appointed by authority of this Act, to be in the ſurvey and order of the Court of Augmentations and Revenues of the Kings Crown, or other Court by the King to be aſſigned; and that all Commiſſions that hereafter ſhall be awarded by vertue and force of this Act, concerning ſuch Colledges, Free-chappels, Chantries, and other the premiſſes, as be within the ſaid Dutchy of Lancaſter, ſhall be awarded under the great Seal of England, and ſhall be certified into the ſame Court of the Dutchy of Lancaſter; any thing aboveſaid to the contrary in any wiſe notwithſtanding.

This Act ſhall not extend to *Attleburrow* in *Norfolk*, given to the Earl of *Suſſex*.

XXXVI. Provided always, and be it enacted by the authority aforeſaid, That this Act, ne any thing therein contained, ſhall extend to the Colledge or Chantry of Attlebourgh in the County of Norfolk, which the ſaid late King Henry the eighth gave to Robert, late Earl of Suſſex, and to his heirs; but that Henry now Earl of Suſſex, ſon and heir to the ſaid late Earl, his heirs and aſſigns, ſhall and may, by the authority of this Act, have and enjoy the ſaid Colledge and Chantry, and all manors, lands, tenements, advowſons, tithes, penſions, portions, and other hereditaments thereunto belonging or appertaining; any thing in this Act to the contrary in any wiſe notwithſtanding.

The Kings Commiſſioners may alter the nature of Obits.

XXXVII. Provided always, and by the authority aforeſaid be it enacted, That the Kings Majeſty, at any time when it ſhall ſeem to him good, may give authority to certain his Graces Commiſſioners, to alter the nature and condition of all manner of Obits, as well within the Univerſities of Cambridge and Oxford, as in any other place within this his Graces Realm of England and Wales, being not ſup-

Diſſolution of ſuch Colleges, Free-Chapels, and Chantries, as were not ſeized before, nor excepted in Stat. 37 H. VIII.

preſſed, ne annihilate by vertue of this preſent Act, and the ſame Obits ſo altered, to diſpoſe to a better uſe, as to the relief of ſome poor men being Students, or otherwiſe.

None ſhall enter into the Lands, for the non-finding of Prieſts, Obits, *&c.*

XXXVIII. Provided alſo and be it enacted by authority aforeſaid, That it ſhall not be lawful to any perſon or perſons, bodies politick and corporate, by reaſon of any remainder, uſe or condition, to enter into, claim, or challenge any lands, tenements or hereditaments, for the non-doing, not naming, or non-finding of any ſuch Prieſt or Prieſts, or poor folks as is aforeſaid, Obit, Anniverſary, Light or Lamp, from henceforth to be founded or done; any thing herein contained to the contrary in any wiſe notwithſtanding.

This Act ſhall not give the King any Lands, holden by Copy of Court roll,

XXXIX. Provided always, That this Act nor any thing therein contained, ſhall in any wiſe extend to any lands, tenements, poſſeſſions, or hereditaments whatſoever, that any Maſter, Dean, Prebendary, Warden or Chantry, or any Stipendary Prieſt, of any Colledge, Chantry, Prebend, Fraternity, Guild, or any other Corporations have, or held of any perſon or perſons, by any copy of Court-roll, or at will, according to the cuſtom of any manor or manors; nor give or grant any copyhold-lands to the Kings Highneſs.

—but they ſhall be held by the Incumbents, towards their Penſions.

XL. And alſo provided, That the Kings Highneſs, his heirs or ſucceſſors, ſhall not in any wiſe have, hold, enjoy or take, by vertue of this Act, or any Article therein contained, any manner of copyhold-lands, tenements, poſſeſſions or hereditaments whatſoever they be; but that all and every of the ſaid perſons and incumbents ſhall have, hold and enjoy the ſame during their lives, towards their penſions and yearly living, paying their rents, and doing their cuſtoms and ſervices thereof due and accuſtomed; any thing in this Act to the contrary notwithſtanding.

This Act ſhall not give Lands, duly recovered from the poſſeſſion of any Chantry or Stipendiary-Prieſt.

XLI. Provided, That this Act ſhall not extend to any lands, tenements or hereditaments aſſigned, appointed, or intended for the finding and maintenance of any Chantry Prieſt, or Stipendary Prieſt, which by any former right and good title, without fraud or covin, were lawfully recovered from the poſſeſſion of any ſuch Chantry Prieſt, or Stipendary Prieſt before the firſt day of October, in the ſaid ſeven and thirtieth year of the reign of the ſaid late King Henry the Eighth, which lands, tenements and hereditaments were not charged, nor chargeable to the payment of the perpetual tenth; any thing in this Act to the contrary hereof notwithſtanding.

All Grants made by K. *H.* 8. or his preſent Majeſty, of any College, *&c.* in being, or not in being,

—ſhall be as good and effectual, as if the Stat. 37 *H.* 8. c. 4. and this Act, had never been made;

—neither of which ſhall extend to Colleges, *&c.* which any Perſon obtained by Licence, or Letters Patents, from the late, or the preſent King.

XLII. Provided always, and be it enacted by the authority aforeſaid, That all and ſingular Grants, Licences, Confirmations and Letters Patents, which our late Sovereign Lord King Henry the Eighth, or our Sovereign Lord the King that now is, have made under the Great Seal of England, to any perſon or perſons, bodies politick or corporate, of any Colledge, Chappel or Chantry now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or of any lordſhips, manors, lands, tenements and hereditaments annexed, united, belonging or appertaining to any Colledge, Chappel or Chantry, now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or of any other thing or things mentioned or expreſſed in this Act, and all and every matter and thing mentioned, expreſſed or contained in any ſuch Grant, Licence, Confirmation, or Letters Patents; ſhall, from henceforth be deemed, taken, expounded and judged good and effectual in the Law, according to the words, ſentences, meanings, intents, form and effects of the ſame Grants, Licences, Confirmations and Letters Patents, to all intents, conſtructions and purpoſes, as if this Act, and the ſaid Act made in the ſeven and thirtieth year of the ſaid late King Henry the Eighth, had never been had or made: And that this Act, or the ſaid Act made in the ſaid ſeven and thirtieth year of the Reign of our ſaid late Sovereign Lord King Henry the Eighth, or any Clauſe, Article, Sentence, or other thing therein contained, ſhall not extend to any Colledges, Chappels, Chantries, or other thing or things mentioned in this Act, now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or to any manors, lands, tenements, poſſeſſions, revenues, or hereditaments annexed, united, belonging or appertaining to any Colledge, Chappel, Chantry, or other thing mentioned in this Act, now being in eſſe or ſtanding, or now not being in eſſe or not ſtanding, or to any other thing or things mentioned or expreſſed in this Act, which any perſon or perſons, bodies politick or corporate have had or obtained by the Aſſent, Licence, Confirmation, Grant, or Letters Patents of the ſaid late King, or the Kings Majeſty that now is; nor ſhall extend to any manors, lands, tenements, revenues, poſſeſſions, hereditaments, or other thing or things mentioned, expreſſed or contained in any ſuch Licence, Confirmation, Grant, or Letters Patents; but that every ſuch perſon and perſons, bodies politick and corporate, their heirs, ſucceſſors and aſſigns, and the heirs, ſucceſſors and aſſigns of every of them, ſhall have, hold and enjoy, all and every the ſame Colledges, Chappels, Chantries, manors, lands, tenements, revenues, poſſeſſions and hereditaments, and all and every other thing and things whatſoever, ſo by them had or obtained, by the Aſſent, Licence, Confirmation, Grant,

Grant, or Letters Patents of the ſaid late King, or of the Kings Majeſty that now is, according to the words, ſentences, form, effect, meaning and intent of the ſame Licences, Confirmations, Grants, and Letters Patents; this Act, or the ſaid Act made in the ſaid ſeven and thirtieth year of the Reign of the ſaid late King Henry the Eighth, or any Clauſe, Article, Sentence, matter or thing mentioned, expreſſed, or contained in any of the ſame Acts, to the contrary thereof in any wiſe notwithſtanding.

CAP. VII.

PROPERTY, *and* PENSIONS, *of the Religious, after* DISSOLUTION.

A.D. 1539.

31 Henr. VIII. Cap. 6.

For Religious Perſons to be enabled to ſue and be ſued.

Property and Penſions of the Religious, after Diſſolution.

Religious Perſons ſet at liberty from their Profeſſion, by Diſſolution, or otherwiſe, may purchaſe to them and their heirs,

—and may Sue and be Sued,

—and take all things that ſhall fall to them;

BE it enacted by authority of this preſent Parliament, That all and ſingular ſuch religious perſons, as well men as women profeſſed, of what order, rule, or habit ſoever they were, which be, or hereafter ſhall be put at their liberties from the danger, ſervitude, and condition, of their Religion and Profeſſion whereunto they were profeſſed, by reaſon of ſuppreſſion, diſſolving, forfeiture by attainder, rendring, or otherwiſe giving up to the hands of the Kings Majeſty, or any other, the ſame Monaſteries, Abbeys, Priories, or other religious houſes or places, wherein the ſame religious perſons were profeſſed; ſhall, by authority of this preſent Parliament, from and after the firſt day of the ſame Parliament, and from and after the time that they were or ſhall be put at liberty, have free liberty to purchaſe to them and their heirs in fee-ſimple, fee-tail, for term of life, for years, or at will, Manors, Lands, Tenements, Rents, Annuities, and other Hereditaments and things whatſoever they be, in like manner and form as though they or any of them had never been profeſſed nor entred into any ſuch Religion. And furthermore, that they the ſame religious perſons, and every of them, ſhall be made able, by authority of this preſent Act, to ſue and be ſued in all manner of Actions, Plaints, and Suits, whatſoever they be, of and for any matter or cauſe growing ſithence, and after the time of their ſeveral deraignments, or departing out of their Religion, in all Courts and Places within this Realm, as other the Kings Subjects be. And furthermore, that they and every of them ſhall and may from henceforth uſe and exerciſe, receive, take, have and enjoy all and every lawfull thing and things to be grown, fall, or happen to them or any of them, after the ſaid deraignment, or departing out of their Religion, in as large and ample manner, form and condition, as if they had never been profeſſed nor entred into Religion; the ſame Profeſſion or Religion, or any Law, cuſtome or uſe within this Realm to the contrary thereof in any wiſe notwithſtanding.

—but they ſhall not inherit, or claim Lands, upon any title grown before their departing out of Religion,

—nor, having avowed Religion, at 21 years or above, ſhall they marry.

II. Provided alway, and be it further enacted by authority aforeſaid, That none of the ſame religious perſons ſhall or may at any time hereafter be taken, deemed, or judged for as heir or heirs, or inheritable to any perſon or perſons, to any purpoſe, reſpect, conſtruction or intent in the Law; nor that they, nor any of them, by virtue of this Act, be received, admitted or deemed able in the Law to demand, challenge, receive or take any Manors, Lands, Tenements or Hereditaments, or any other thing or things, by reaſon of, or for any former title, right, intereſt, matter or cauſe, had, made, done or grown to any reſpect or purpoſe, before the ſaid ſeveral deraignments or departings out of their Religion: Nor that any of the ſaid religious perſons, being Prieſts, or ſuch as have avowed Religion at one and twenty years or above, and thereto then conſented, continuing in the ſame any while after, (not duly proving by witneſs, or other lawfull means, ſome unlawfull coertion or compulſion done to them or any of them, for making of any ſuch vow, or conſtraining them to remain in their Religion) be enabled by virtue of any words, clauſe or ſentence before in this Act expreſſed, to Marry or take any Wife or Wives: but that they and every of them be clearly excluded and put from the ſame, to all intents and purpoſes; Any thing before in this Act contained to the contrary hereof in any wiſe notwithſtanding.

A.D 1541.

33 Henr. VIII. Cap. 29.

The Bill to enable Perſons late Religious to Sue and be Sued.

Recital of the foregoing Statute;

WHere in the Parliament holden at Weſtminſter, the eight and twentieth day of April, in the One and thirtieth year of the Reign of our Sovereign Lord, Henry the eighth, by the Grace of God King of England, France and Ireland, Defender of the Faith, and of the

Property and Penſions of the Religious, after Diſſolution.

Church of England, and alſo of Ireland, in earth the Supreme Head, It was and is ordained and enacted by the authority of the ſaid Parliament, That all and ſingular ſuch religious perſons, as well men as women profeſſed, of what Order, Rule or Habit ſoever they were, which then were, or after that time ſhould be put at their liberties, from the danger, ſervitude, and condition of their Religion and Profeſſion, whereunto they were profeſſed, by reaſon of Suppreſſion, diſſolving, forfeiture by attainder, rendring, or otherwiſe giving to the hands of the Kings Majeſty, their Houſes, Monaſteries and Poſſeſſions; ſhould, by authority of the ſaid Parliament, from and after the firſt day of the ſame Parliament, and from and after the time that they were or ſhould be put at ſuch liberty, have free liberty to purchaſe to them, and to their heirs, in fee-ſimple, fee-tail, for term of life, for years, or at will, manors, lands, tenements, rents, annnities, and other hereditaments and things whatſoever they were, in like manner and form, as though they or any of them had never been profeſſed, nor entred into any ſuch Religion: and that the ſame Religious perſons, and every of them, by authority of the ſaid Act of Parliament, ſhould be able to ſue, and to be ſued in all manner of actions, plaints and ſuits, whatſoever they were, of and for any matter or cauſe grown ſithence, and after the time of their ſeveral deraignments or departing out of their Religion, in all Courts, Places and Juriſdictions within this Realm of England, as other the Kings Subjects were; and that they and every of them ſhould and might from that time uſe and exerciſe, receive, take, have and enjoy, all and every lawfull thing and things from thenceforth to be grown, fallen, or happened unto them or any of them, after the ſaid deraignment, or departing out of their Religion, in as large and ample manner, form and condition, as if they had never been profeſſed, nor entred into Religion; this ſame Profeſſion or Religion, or any law, cuſtom, or uſe, within the ſaid Realm of England to the contrary thereof in any wiſe notwithſtanding: as by the ſaid Act among other articles, clauſes and proviſions more plainly appeareth:

—and a doubt thereupon, whether it extend to Religious Perſons who were not *diſſolved*, but only *tranſlated* into new Corporations,

Enacted, that, —The ſaid Statute ſhall extend to perſons, ſo tranſlated and not ſuppreſſed.

II. And foraſmuch as divers ambiguities and doubts daily do ariſe, whether the ſaid Act extend unto ſuch late religious perſons, as were in divers late Religious Houſes and Monaſteries, which by the Kings Highneſs were immediately tranſported and tranſlated from their Religion and old Corporation, into a new Corporation, and never came and remained in his Gracious hands, neither by ſuppreſſion, diſſolution, forfeiture by attainder, ne ſuch like, according to the words of the ſaid former Act: In avoiding of which ſaid ambiguities and doubts, Be it now ordained and enacted by the King our Sovereign Lord, and the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That the ſaid Act of Parliament above remembred, made in the ſaid One and thirtieth year, ſhall extend as well to all ſuch perſons which be living, that were Religious perſons in any of the ſaid Houſes which were ſo tranſlated and tranſported from one Corporation into another, which at any time was profeſſed, or were Religious perſons in any of the ſaid Houſes within this Realm of England; and that they and every of them from the time of their ſaid ſeveral deraignment and diſcharge of their ſaid profeſſions and religions, ſhall be in like quality, eſtate, condition and degree, and alſo ſhall take, have and enjoy like benefit, commodity, profit and advantage, and with like proviſo onely, and not otherwiſe, to every intent and in every thing, as any other religious perſon or perſons may and ſhall have, take and enjoy by vertue of the ſaid former Act above remembred, the ſame profeſſion, or religion, or any cuſtom or uſe, to the contrary thereof in any wiſe notwithſtanding.

5, 6 Edw. VI. Cap. 13.

A.D. 1551.

An Act for the declaration of an Act made in the xxxj. year of King Henry *the Eighth, touching Religious Perſons.*

Recital of the Stat. 31 *Henr.* 8. cap. 6.

WHere by an Act of Parliament made the one and thirtieth year of the Reign of the moſt noble Prince of famous memory, King Henry the Eighth, for and concerning the enablement of profeſſed and religious perſons to purchaſe to them and to their heirs, in fee-ſimple, fee-tail, for term of life, for years, or at will, manors, lands, tenements, rents, annuities, and other hereditaments and things whatſoever; and that they and every of them ſhould or might from thenceforth uſe and exerciſe, receive, take, have and enjoy all and every lawful thing and things, to be grown, fallen, or happened to them or any of them after the ſame deraignment or departing out of Religion: And in which ſaid Act of Parliament there is a Proviſo contained, That none of the ſame religious perſons ſhould or might at any time after the making of the ſame Act, be taken, deemed, or judged for, or as, his heir or heirs, or inheritable to any perſon or perſons, to any purpoſe, reſpect, conſtruction or intent in the Law; as by the ſame Act, among other things therein contained, more fully at large it may and doth appear:

—and a doubt thereupon, whether the Religious ſhall be inheritable to their Anceſtors,

II. And foraſmuch as ſith the time of the making of the ſaid Act, there hath been certain ambiguities and doubts grown and riſen, and hereafter are like to grow and ariſe, upon the expoſition of the ſaid Act, whether the ſaid late religious and profeſſed perſons ſhould or might be adjudged able to inherit, and to be inheritable as heir or heirs to any of his or their anceſtor or anceſtors, and to have and enjoy all and every thing and things deſcended, grown, fallen, or happened to them or any of them, after the ſaid deraignment or departing out of religion, yea or no:

Enacted, that, —The Religious ſhall be inheritable to their Anceſtors, for all things deſcended to them, ſince their departing out of Religion.

III. For the full and plain declaration whereof, be it enacted, declared and expounded by this preſent Parliament, and by the authority of the ſame, That all and every of the ſame late religious and profeſſed perſon and perſons, ſhall and may, by authority of this Act, be enabled to all intents, conſtructions and purpoſes, at all time and times hereafter, to be taken, deemed and adjudged as heir or heirs, and inheritable to all and every their anceſtor or anceſtors, and to have, challenge or enjoy, receive and take all manors, lands, tenements and hereditaments,

and

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and every other thing and things to them or any of them fallen, come, grown or deſcended from any their anceſtors, by any manner wayes, ſince the time of their ſeveral deraignments or departing out of their Religion, in as ample and large manner, form and condition, as they had never been profeſſed or entred into Religion; the ſame Profeſſion or Religion, or any Law, Cuſtom or Uſe within this Realm, to the contrary thereof in any wiſe notwithſtanding.

—but not for any thing deſcended before.

IV. Provided alwayes, and be it further enacted by the authority aforeſaid, That none of the ſaid religious perſons, ſhall or may by vertue of this Act, at any time hereafter, be taken, deemed or judged for heir or heirs, or inheritable to any perſon or perſons, to any conſtructions and intent in the Law, by reaſon of any former right, title, intereſt, matter or cauſe had, made, done, deſcended or grown to any reſpect or purpoſe, before their ſaid ſeveral deraignments or departing out of their Religion; Any thing before in this Act, or in the ſaid former Act contained to the contrary hereof in any wiſe notwithſtanding.

2, 3 Edw. VI. Cap. 7.

An Acte againſt the craftie and deceitful buying of Penſions.

Patents for Penſions, having been ſold by the Religious,

THE Kings moſt excellent Majeſty, the Lords and Commons in this preſent Parliament aſſembled, underſtanding that divers perſons, ſeeking unhoneſt and filthy gaine, without reſpect either of God, or due regard to the Kings Majeſty; by ſundry attempts and practices, have not onely extorted divers ſummes of money, of divers the Kings loving ſubjects, having penſions by the Kings letters Pattents, but alſo with ſlanderous words towards the Kings Majeſties officers, and as much as in them lyeth, impeaching the Kings proceedings, have (for little money or none, or other thing given to ſome of the ſaid Penſioners, ſupplanting them) bought of divers Penſioners their Penſions, had by ſuch Pattents, being their reliefe to live by, to their utter undoing: Be it enacted by the King our Sovereign Lord, the Lords ſpirituall and temporall, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that all and every perſon and perſons, that at any time heretofore, ſince the firſt Seſſion of the Parliament holden at Weſtminſter, in the firſt yeere of the Reign of our ſaid Sovereign Lord the King that now is, by any fraudulent or deceitful way or meanes, hath, or have gotten or obtained for money or otherwiſe, any gift, grant, bargaine, or promiſe, of any Penſioner or Penſioners, of his or their ſaid Pattent or Pattents, concerning his or their ſaid penſion granted or to be granted, or aſſigned out of any Manors, Lands, Tenements, and other Hereditaments, that did belong or appertaine to any of the late Monaſteries, Priories, religious houſes, Colledges, Chantries, Guildes, Fraternities, or other poſſeſſions, or by reaſon of the ſame, which came as well to the poſſeſſion of our Sovereigne Lord the King that now is, as to the late King of famous memory, King Henry the eight, by reaſon of diſſolution, attainder, or ſurrender; and before the laſt day of June next coming, upon a repayment or lawfull tender of the money, or other thing taken for the ſame, for any ſuch Penſioner or Penſioners, Pattentee or Pattentees, made to him or them, doe not deliver to every ſuch Penſioner and Penſioners, Pattentee and Pattentees, as well his or their ſaid Pattent and Pattents, as all other writing or writings, made concerning the ſame penſion: that then the ſaid gift, grant, bargaine and promiſe made of every ſuch penſion and pattent, and every of them ſhall be void: And alſo that then and from thenceforth, every ſuch Penſioner and Pattentee, ſhall have and injoy the Penſion by him ſo given, granted, bargained, ſold or promiſed, as though no ſuch gift, grant, bargaine, ſale or promiſe had beene made of his or their ſaid penſion, fee, or annuity; notwithſtanding any writings made, ſealed or delivered betweene any ſuch parties concerning the ſame.

—ſhall be reſtored to them, upon repayment of the money;

—and ſhall be duly paid by the proper Officers, without exacting undue Fees;

II. And for the more true and ſure paiment of all and every maner of perſon and perſons, of and for their ſeveral penſions, Fees and annuities, due and to be due, to them or any of them, out of the premiſſes, or any part or parcell thereof, or by reaſon of the ſame: Be it enacted by the authoritie aforeſaid, that if the Receiver or Receivers, or any of them, their aſſigns, deputies, clerks, or ſervants, or the aſſignes, deputies, clerkes, or ſervants of any of them, having, or which ſhall have to doe with the paiment of any ſuch Penſions, Fees, Annuities, or of any part or parcell of them, doe not at all and every time and times before the tenth day of June, and the feaſt of the Purification of our Lady, next and immediately inſuing every day and feaſt ſpecified in every ſuch Grant or Patent for the paiment of the ſaid penſions, fees, and annuities, upon a reaſonable requeſt thereof made to the ſaid receiver or receivers, their aſſigne or deputie, aſſignes or deputies, or to his or their clerks, or ſervants abovefaid, by any of the ſaid penſioners or grantees, or their ſeveral deputies, atturneys or aſſignes, or by the ſeveral deputie, atturney, or aſſigne of any ſuch penſioner and grantee, well and truly pay unto the ſaid grantees and penſioners, their ſeverall deputies, atturnies, or aſſignes, their penſions, fees and yeerely annuities to them granted and hereafter to be granted, during their ſeverall lives or otherwiſe, according to the tenor and effect of their ſeverall grants to every of them made and hereafter to be made, without any further delay, not taking of the ſaid grantees, penſioners, or of any of them, their deputies, atturneys, or aſſigns, for the paiment of any of their ſaid penſions, fees, or annuities, or for more ſpeedie paiment thereof to them or any of them to be made, any other or more ſumme or ſummes of money, or any other thing or profit, but onely for every pound of every ſuch penſion, fee or annuity to them payd, foure pence, and for the acquittance of every ſuch party truely payd of his ſaid penſion, fee or annuitie, if the ſaid partie, his deputie or deputies, bring and offer to deliver none ready made, foure pence, and not above, that then every ſuch receiver or receivers, their deputie and deputies, clerkes and ſervants as aforeſaid, to whom any ſuch reaſonable requeſt ſhall be made for the payment of the ſame, as is aforeſaid, for every time that the ſaid officer or officers, or his or their deputie or deputies, or his or their clerke or clerkes, having to doe with the office or offices of ſuch receiver or officer, as is aforeſaid, ſhall

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—upon pain to forfeit 5 *l.* —and, exacting money above the ſtated Fees, to forfeit ten times as much as they exact.

delay or cauſe to be delayed any the ſaid grantees or penſioners, of the paiment of their penſions, fees or annuities, or of any part thereof, after the tenth day of June, and the feaſt of the Purification of our Ladie, as is aforeſaid, ſhall forfeit for every ſuch delay C. ſhillings. And that alſo every treaſurer or treaſurers, receiver or receivers, officer or officers, or his or their deputie or deputies, or his or their clerks, or any of them, as is aforeſaid, for every time that they or any of them doe exact and take of the ſaid penſioners, grantees, or any of them, their deputies, atturneys, or aſſigns, or of the deputie, atturney or aſſigne of any of them, above the rates afore declared, ſhall loſe and forfeit for every time ſo exacting and taking, ten times ſo much as they or any of them ſhall ſo exact and take, or cauſe to be exacted and taken. All which forfeitures ſhall be to the partie that ſhall finde himſelfe grieved, if hee will ſue and demand the ſame within ſeven moneths next after the ſaid forfeiture in any of the Kings Majeſties Courts of his Bench, Common Pleas, or Exchequer, by Action of debt, by originall Writ, Bill, Plaint or Information; in which ſuit no Eſſoine, Protection, nor Wager of Law ſhall be allowed or admitted for the defendant.

Juſtices of Aſſiſe, and the Peace, ſhall hear, and determine, the matters aboveſaid.

III. And be it further enacted by the authoritie aforeſaid, that the Kings Juſtices of Aſſiſe, and of Oier and determiner, in their ſeveral circuits, and the Juſtices of Peace in every County within this Realme of England and Wales, at their general Seſſions, ſhall have full power and authoritie by vertue of this Act, to inquire, heare and determine, all and all manner of offences hereafter to be done and committed contrary to the tenor of this Act, as well by Information, as by preſentment of twelve men, and ſhall have full power and authoritie to award Proceſſe upon every preſentment or information had before them, or two of them, whereof the one to be of the Quorum, of all and every offence and offences done and committed, contrary to the tenor of this Acte, as in caſe upon indictment of treſpaſſe.

Any Penſioner demanding his Penſion by deputy, ſhall ſend a Certificate of his being alive.

IV. Provided always, that if any ſuch penſioner or grantee, doe not make requeſt in proper perſon for payment of his or their ſaid penſion or annuitie, as is aforeſaid, but doth require the ſame by his deputie, atturney or aſſigne, that then if ſuch deputie, atturney or aſſigne doe not bring with him a Letter ſubſcribed, with the hands of one Juſtice of the Peace of the ſame Shire, where the ſame penſioner or grantee is dwelling, or elſe of the Surveyor of the ſame Shire for the time being, witneſſing the ſame penſioner or grantee to be then living; that then the ſaid Receiver, and all other officer aud officers, their deputies, clerks or ſervants, to whom requeſt by any deputie, atturney or aſſigne of any ſuch penſioner or grantee ſhall bee made, as is aforeſaide, ſhall not bee bound to pay any ſuch ſumme of money to any deputie, atturney, or aſſigne of any ſuch Penſioner or Patentee, by vertue of this Acte, nor for non-payment thereof, ſhall incurre the danger of any paine or forfeiture before mentioned: any matter or thing before expreſſed to the contrary in any wiſe notwithſtanding.

Receivers may pay Penſions, quarterly.

V. Provided always, and bee it further enacted by the authoritie aforeſaid, that this Act nor any thing therein conteined, ſhall not extend to reſtraine any ſuch receiver or receivers, or other officer or officers, as is aforeſaid; but they and every of them ſhall and may pay or cauſe to be payed to any of the ſaid penſioners, patentees, or Grantees, their ſaid penſions, fees and annuities quarterly, according to the tenor and effect of their ſaid patents or grants, as they have heretofore done, any thing herein to the contrary hereof notwithſtanding.

C A P. VIII.

Lands of RELIGIOUS, *as employed in other* PIOUS FOUNDATIONS.

34, 35 Henr. VIII. Cap. 21.

A.D.1542.

In an Act, Entituled, *An Act for the confirmation of Lands obtained by the Kings Majeſty, by exchange or otherwiſe, of his Grace's Subjects, or by his ſaid Subjects of his Highneſs, notwithſtanding miſ-recital either of Name, Place, or Date.*

The K. hath erected divers Biſhops, Deans, and Chapters, *&c.* with Revenues, to be enjoyed in the ſame State, that the late Abbots, or others, held them;

Lands of Religious, as employed in other Pious Foundations.

II. AND where alſo the Kings Majeſty heretofore ſithen the ſaid fourth day of February, by his ſeveral Letters Patents, ſealed under the ſaid great Seal of England, or otherwiſe, of his accuſtomable goodneſs, hath newly erected, ordained, and made divers Biſhops, Deans and Chapters, Colledges, and other bodies politick and corporate, and hath by his ſeveral Letters Patents ſealed under the Great Seal of England, given and granted as well unto them, as to divers other bodies politick and corporate, and to their ſucceſſors, by ſuch Name or Names as they then were, be, or now ſtand Corporate, divers Manors, Lands, Tenements, Parſonages, Tithes, Penſions, Portions, Advowſons, Nominations, Preſentations, and other Hereditaments, and ſuch or like Liberties and Juriſdictions in the ſame manors, lands, tenements mentioned in any of the ſame Letters Patents, *Lands of Religious, as employed in other Pious Foundations.*

as he to whom any ſuch Letters Patents were, or be made or granted, or his predeceſſors before had or enjoyed in the manors, lands, tenements and hereditaments departed or appointed to the King, or ſuch as any the late Abbot or Prior of any the late Monaſteries or Priories; or other perſon or perſons whatſoever, or any of them mentioned in any of the ſaid Letters Patents, lawfully had, exerciſed, uſed or enjoyed within the ſaid caſtles, manors, lands, tenements, and hereditaments, mentioned in any of the ſaid Letters Patents: In avoiding, diſturbing, hurting, or hindring, of divers of the ſaid ſeveral Letters Patents, Indentures, and other Writings, and of the manors, lands, tenements, hereditaments, and other things in them contained, ſundry and many ambiguities; doubts and queſtions have, or might hereafter happen to be moved, objected, alledged, invented, procured or ſtirred, as well for miſ-naming, miſ-recital, or non-recital of any of the ſame Honours, Caſtles, Manors, Monaſteries, Abbathies, Priories, Lands, Tenements, and other the Premiſſes, or any parcel thereof: or for lack of finding of Offices or Inquiſitions of and in the Premiſſes, whereby the Title of the Kings Highneſs therein ought to have been found, before the making of the ſame Letters Patents or other Writings: or for miſ-recital, or non-recital of Leaſes thereof before made, as well of Record as not of Record: or for lack of the certainty, miſcaſting, rating, or ſetting forth of the yearly values and rates of the Premiſſes, or of the yearly rents reſerved of and for the Premiſſes, or any parcel thereof, mentioned or contained in any of the ſaid Letters Patents or other Writings: or for that the Premiſſes be, or any part thereof is valued to a more or leſs value in the ſaid Letters Patents or Writings, then the ſaid manors, lands, tenements, and other the Premiſſes then were, or ſhall be, in yearly value: or for miſ-naming of the Towns, Hamlets, Pariſhes, or Counties, where the ſame Honours, Caſtles, Manors, Monaſteries, Abbathies, Priories, Lands, Tenements, Rents, Hereditaments, and other the Premiſſes, and every parcel thereof, or any parcel thereof, lien or been: or for lack of the true naming of the natures, kinds, ſorts or quantities of the ſaid poſſeſſions or hereditaments, or any parcel thereof: or for lack of the true naming of the Corporation of the ſame: or for lack of atturnment, livery or ſeiſon: or for miſ-naming of any the late Tenants, or Fermors of the ſame ſo ſold, given or exchanged:

—and, becauſe divers Doubts and Queſtions, have been, or may be, raiſed, concerning the ſaid Letters Patents,

—for miſ-recital or non-recital,

—for lack of Offices,

—for miſ-recital or non-recital of Leaſes,

—for miſcaſting of Rates,

—for over or undervaluing,

—for miſnaming of Towns, &c.

—for miſnaming the Sorts of Poſſeſſions, or the Corporation, or late Tenants,

—for lack of Seiſin;

III. For remedy and reformation whereof, Be it ordained and enacted by the Kings moſt excellent Highneſs, with the aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, That as well all and every the ſaid Letters Patents, Indentures, and other Writings, and every of them, ſealed with, or under the Seal or Seals aboveſaid, or any of them, made or granted by the Kings Highneſs ſithen the ſaid fourth day of February, in the ſaid Seven and twentieth year of his moſt noble Reign; as alſo all and ſingular his Graces Letters Patents, Indentures, and other Writings hereafter during the ſpace of ſeven years next enſuing the making of this preſent Act, to be had, made, or granted, with or under any of the Seals aboveſaid, to any body politick or corporated, or to any other perſon or perſons, of any honours, caſtles, manors, monaſteries, abbathies, priories, nunneries, colledges, hoſpitals, houſes of Friers, or other Religious or Eccleſiaſtical houſes or places, ſites, circuits, precincts, lands, tenements, parſonages, tithes, penſions, portions, advowſons, nominations, preſentations, franchiſes, liberties, and other hereditaments, commodities, poſſeſſions and profits, of what kind, nature or quality ſoever they or any of them be, is or ſhall be, or by whatſoever name or names they or any of them be, is or ſhall be named, known or reputed; ſhall ſtand and be good, effectual, and available in the Law to all intents, reſpects, conſtructions and purpoſes, againſt his Majeſty, his Heirs and Succeſſors, without any confirmation, licence, diſpenſation, or toleration of the Kings Highneſs, his Heirs or Succeſſors, or of any other perſon or perſons whatſoever: any the cauſes or matter above mentioned, contained, or hereafter during the ſaid ſeven years to be contained, in any ſuch Letters Patents, Indentures, or Writings to the contrary in any wiſe notwithſtanding.

Enacted, that,
—All Letters Patents, whereby Religious Houſes are, or may be, granted, ſhall be good, notwithſtanding any of the aboveſaid defects.

1 Edw. VI. Cap. 14.

In an Act, Entituled, *An Act for Chantries Collegiate.*

§. XI. And alſo that the ſame Commiſſioners, or two of them at the leaſt, by virtue of this Act, and of the Commiſſion to them directed, ſhall have full power and authority to aſſign, and ſhall appoint (in every ſuch place where Guild, Fraternity, the Prieſt or Incumbent of any Chantry in eſſe the firſt day of this preſent Parliament, by the Foundation, Ordinance, or the firſt Inſtitution thereof, ſhould

The Commiſſioners ſhall appoint Grammar-Schools, and Preachers, wherever they have lately been;

Lands of Religious, as employed in other Pious Foundations.

or ought to have kept a Grammar-School, or a Preacher, and ſo hath done ſithen the Feaſt of Saint Michael the Archangel laſt paſt) lands, tenements and other hereditaments of every ſuch Chantry, Guild and Fraternity, to remain and continue in ſucceſſion to a School-maſter or Preacher for ever, for and toward the keeping of a Grammar-School, or Preaching, and for ſuch godly intents and purpoſes, and in ſuch manner and form as the ſame Commiſſioners, or two of them at the leaſt, ſhall aſſign or appoint: And alſo to make and ordain a Vicar to have perpetuity for ever, in every Pariſh Church, the firſt day of this preſent Parliament, being a Colledge, Free-chappel or Chantry, or appropriated, annexed or united to any Colledge, Free-chappel or Chantry, that ſhall come to the Kings hands by virtue of this Act, and to endow every ſuch Vicar, ſufficiently, having reſpect to his Cure and Charge, the ſame Endowment to be to every ſuch Vicar, and to his ſucceſſors for ever; without any other Licence or Grant of the King, the Biſhop, or other Officers of the Dioceſs. And alſo the ſaid Commiſſioners, or two of them at the leaſt, ſhall have authority by force of this Act, to aſſign in every great Town or Pariſh, where they ſhall think neceſſary to have moe Prieſts then one, for the miniſtring of the Sacraments within the ſame Town or Pariſh, lands and tenements belonging to any Chantry, Chappel, or Stipendary Prieſt, being within the ſame Town or Pariſh the firſt day of this preſent Parliament, to be to ſuch perſon and perſons, as the ſaid Commiſſioners, or two of them at the leaſt, ſhall aſſign or appoint, to continue in ſucceſſion for ever, for and towards the ſufficient finding and maintenance of one or more Prieſts within the ſame Town or Pariſh, as by the ſaid Commiſſioners, or two of them, ſhall be thought neceſſary or convenient: And as well to make Ordinances and Rules concerning the ſervice, uſe, and demeanour of every ſuch Prieſt and Schoolmaſter, as is aforeſaid, to be appointed, as alſo by what name or names he and they ſhall from henceforth be named and called.

— and ordain a Vicar, with ſufficient Endowment, in every Pariſh-Church appropriated to the ſaid Colleges, &c.

— and to aſſign maintenance for more Prieſts, in towns where they are neceſſary;

— and to make Ordinances for ſuch Prieſts and Schoolmaſters.

APPENDIX

OF

STATUTES,

ANCIENT and MODERN,

CONCERNING

TYTHES,

IN THE

City of LONDON.

APPENDIX

OF

STATUTES,

Concerning TYTHES in *LONDON*.

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27 Henr. VIII. Cap. 21.

An Act limiting an Order *for payment of Tythes within the Citie of* London.

EXP.

BE it enacted by the authoritie of this preſent Parliament, that all and every the Citizens and Inhabitants of the Citie of London, and Suburbs within the Liberties of the ſame, ſhall at this preſent time of Eaſter next coming pay unto the Curates of the ſaid Citie and Suburbs, all ſuch and like ſummes of money, for Tithes, Oblations, and other Duties, as the ſaid Citizens and Inhabitants by the order of my Lord Chancellour, and other the Kings moſt honorable Councell, and the Kings Proclamation, payd, or ought to have paid, by force and vertue of the ſaid order, at Eaſter that was in the yeere of our Lord God 1535. And the ſame payments ſo to continue from time to time, until ſuch time as any other order or Law ſhal be made, publiſhed, ratified and confirmed by the Kings highneſſe and the two and thirtie perſons by his grace to be named, aſwel for the full ſtabliſhment concerning the payment of all Tithes, Oblations, and other duties, of the Inhabitants within the ſaid Citie and Suburbs, within the liberties of the ſame, as for the making of other Eccleſiaſtical Lawes of this Realme of England. And that every perſon denying to pay as is aforeſaid, ſhall, by the commandement of the Maior of London for the time being, bee committed to priſon, there to remaine untill ſuch time as he or they have agreed with the Curat and Curats for their ſaid oblations and other duties, as is aforeſaid.

Inhabitants of *London* ſhall pay Tythes, *&c.* according to the Order of Council,

—till other Order be made by the 32 Perſons for reviſing the Eccleſiaſtical Laws;

—upon pain of Impriſonment.

37 Henr. VIII. Cap. 12.

In what manner they ſhall be puniſhed, who refuſe to pay Tithes due to be paid in London.

WHere of late time contention, ſtrife and variance hath riſen and growen within the City of London, and the liberties of the ſame, between the Parſons, Vicars and Curates of the ſaid City, and the Citizens and Inhabitants of the ſame, for and concerning the paiment of Tithes, oblations, and other duties within the ſaid City and liberties; For appeaſing whereof, a certain order and decree was made thereof by the moſt Reverend Father in God, Thomas Archbiſhop of Canterbury, Metropolitane and Primate of all England, Thomas Audley Knight, Lord Audley of Walden, and then Lord Chancellor of England, now deceaſed, and other of the Kings Majeſties moſt honourable Privy Councel, and alſo the Kings Letters Patents, and Proclamation was made thereof, and directed to the ſaid Citizens concerning the ſame: whereupon it was after enacted in the Parliament holden at

For appeaſing of Contentions concerning Tythes in the City of *London*,

—an Order was made, and obedience to it enjoined, according to the Act 27 *H.* 8. c. 21.

Weſtminſter by Prorogation the fourth day of February in the xxvij. year of the Kings Majeſties moſt noble Reign, by authority of the ſame Parliament, that the Citizens and the Inhabitants of the ſame City ſhould at Eaſter then next coming, pay unto the Curates of the ſaid City and Suburbs, all ſuch and like ſums of money for Tithes, Oblations and other Duties, as the ſaid Citizens and Inhabitants by the order of the ſaid late Lord Chancellor, and other the Kings moſt honourable Councel, and the Kings ſaid Proclamation, payed or ought to have payed by force and vertue of the ſaid Order at Eaſter, which was in the year of our Lord God, M. D. XXXV. and the ſame payments ſo to continue from time to time, until ſuch time as any other Order or Law ſhould be made, publiſhed, ratified and commanded by the Kings Highneſs, and the two and thirty perſons by his Grace to be named, as well for the full eſtabliſhment concerning the payment of all Tithes, Oblations, and other duties of the Inhabitants within the ſaid City, Suburbs and Liberties of the ſame, as for the making of other Eccleſiaſtical Laws of this Realm of England; and that every perſon denying to pay, as is aforeſaid, ſhould, by the commandment of the Mayor of London for the time being, be committed to priſon, there to remain until ſuch time as he or they ſhould have agreed with the Curate or Curates for their ſaid Tithes, Oblations and other Duties, as is aforeſaid, as in the ſaid Act more plainly appeareth: Sithen which Act, divers variances, contentions and ſtrifes are newly riſen and grown between the ſaid Parſons, Vicars and Curates, and the ſaid Citizens and Inhabitants, touching the payment of the Tithes, Oblations and other Duties, by reaſon of certain words and terms ſpecified in the ſaid Order, which are not ſo plainly and fully ſet forth, as is thought convenient and meet to be: for appeaſing whereof, as well the ſaid Parſons, Vicars and Curates, as the ſaid Citizens and Inhabitants have compromitted and put themſelves to ſtand to ſuch Order and Decree touching the premiſſes, as ſhall be made by the ſaid Right Reverend Father in God, Thomas Archbiſhop of Canterbury, Metropolitane and Primate of England, the right honourable Sir Thomas Wryotheſly Knight, Lord Wryotheſly, and Lord Chancellor of England, the right honourable Thomas Duke of Norfolk, Lord Treaſurer of England, the right honourable Sir William Pawlet Knight, Lord St. John, Lord Preſident of the Councel, and Lord great Maſter of the Kings moſt honourable Houſhold, the right honourable Sir John Ruſſel Knight, Lord Ruſſel and Lord Privy Seal, the right honourable Edward Earl of Hertford, Lord great Chamberlain of England, the right honourable John Vicount Liſle, high Admiral of England, Sir Richard Liſter Knight, chief Juſtice of England, Sir Edward Mountague Knight, chief Juſtice of the common Bench at Weſtminſter, and Sir Roger Cholmely Knight, chief Baron of the Exchequer, for a final end and concluſion to be had and made touching the premiſſes for ever: And to the intent to have a full peace and perfect end between the ſaid parties, their Heirs and Succeſſors, touching the ſaid Tithes, Oblations and other Duties for ever, Be it enacted by authority of this preſent Parliament, That ſuch end, order and direction, as ſhall be made, decreed and concluded by the fore-named Archbiſhops, Lords and Knights, or any ſix of them, before the firſt day of March next enſuing, of, for, and concerning the payments of the Tithes, Oblations, and other Duties within the ſaid City, and the Liberties of the ſame, and enrolled in the Kings high Court of Chancery of Record; ſhall ſtand, remain and be as an Act of Parliament, and ſhall bind as well all Citizens and Inhabitants of the ſaid City and Liberties for the time being, as the ſaid Parſons, Vicars, Curates and their Succeſſors for ever, according to the effect, purport and intent of the ſaid Order and Decree ſo to be made and enrolled; And that every perſon denying to pay any of his or their Tithes, Oblations or other Duties contrary to the ſaid Decree ſo to be made, ſhall, by the commandment of the Mayor of London for the time being, and in his default or negligence, by the Lord Chancellor of England for the time being, be committed to priſon, there to remain till ſuch time as he or they have agreed with the Curate and Curates for his or their ſaid Tithes, Oblations and other Duties, as is aforeſaid.

—ſince which, new Contentions have ariſen;

—and a reference having been made, for appeaſing of them, to divers honorable Perſons,

Enacted, that, —the Decree, to be made by the ſaid Perſons, and enrolled in Chancery, ſhall be as an Act of Parliament,

—and ſhall be obeyed, upon pain of Impriſonment by the Ld. Mayor or Ld. Chancellor.

The Decree.

Decreed, by the ſaid Perſons,

II AS touching the payment of Tithes in the City of London, and the Liberties of the ſame, It is fully ordered and decreed by the moſt Reverend Father in God, Thomas Archbiſhop of Canterbury, Primate and Metropolitane of England, Thomas Lord Wryotheſly, Lord Chancellor of England, William Lord St. John, Preſident of the Kings Majeſties Councel, and Lord great Maſter of his Highneſs Houſhold, John Lord Ruſſel, Lord Privy Seal, Edward Earl of Hertford, Lord great Chamberlain of England, John Vicount Liſle, high Admiral of England, Richard Liſter Knight, chief Juſtice of England, and Roger Cholmely Knight, chief Baron of of his Graces Exchequer, this preſent xxiv. day of February, Anno Domini, ſecundum curſum & computationem Eccleſiæ Anglicanæ, milleſimo quingenteſimo quadrageſimo quinto, according to the Statute in ſuch caſe lately provided, That the Citizens and Inhabitants of the ſaid City of London, and Liberties of the ſame, for the time being, ſhall yearly, without fraud or covin, for ever pay their Tythes to the *a* Parſons, Vicars and Curates of the ſaid City, and their Succeſſors for the time being, after the rate hereafter following, that is to wit, Of every ten ſhillings Rent *b* by the year of all and *c* every Houſe and Houſes, Shops, Ware-houſes, Cellars, Stables, and every of them within the ſaid City and Liberty of the ſame, ſixteen pence ob. And of every twenty ſhillings Rent by the year of all and every ſuch Houſe and Houſes, Shops, Ware-houſes, Cellars and Stables, and every of them within the ſaid City and Liberties, two ſhillings and nine pence. And ſo above the Rent of twenty ſhillings by the year, aſcending from ten ſhillings to ten ſhillings according to the rate aforeſaid.

—That every Houſe, *&c.* of 10*s.* Rent, ſhall pay 16*d. ob.*

—and of 20*s.* Rent, 2*s.* 9*d.* and ſo above, in proportion.

III. Item, That where any Leaſe is or ſhall be made of any Dwelling-houſe or houſes, ſhops, ware-houſes, cellars, or ſtables, or any of them, by fraud or covin, reſerving *d* leſs rent then hath been accuſtomed, or is, or that any ſuch leaſe ſhall be made without any rent reſerved upon the ſame, by reaſon of any fine or income payed beforehand, or by any other fraud or covin: That then in every ſuch caſe the tenant or fermor, tenants or fermors thereof ſhall pay for his or their tithes of the ſame, after the rate aforeſaid, according to the quality of ſuch rent or rents, as the ſame houſe or houſes, ſhops, ware-houſes, cellars or ſtables, or any of them were laſt letten for, without fraud or covin, before the making of ſuch leaſe.

Houſes, *&c.* leaſed without rent by reaſon of Fines, ſhall pay Tythe according to the *laſt* Rent;

IV. Item, That every owner or owners, inheritor or inheritors of any dwelling houſe or houſes, ſhops, ware-houſes, cellars or ſtables, or any of them within the ſaid City and Liberties, inhabiting, or occupying the ſame himſelf, or themſelves, ſhall pay after ſuch rate or tithes, as is abovesaid, after the quantity of ſuch yearly rent as the ſame was *e* laſt letten for, without fraud or covin.

—as ſhall alſo Houſes, *&c.* in the occupation of the Owners.

V. Item, If any perſon or perſons have taken, or hereafter ſhall take any meaſe or manſion place by leaſe, and the taker or takers thereof, his or their executors or aſſigns doth or ſhall inhabit in any part thereof, and have or hath within eight years laſt paſt before this order, or hereafter will or ſhall let out the reſidue of the ſame: That then in ſuch caſe the principal farmor or farmors, or firſt taker or takers thereof, his or their executors or aſſigns, ſhall pay his or their tythes after the rate aforeſaid, according to his or their quantity therein, and that his or their executors, aſſignee or aſſignees, ſhall pay his or their tithes after the rate abovesaid, according to the quantity of their rent by year.

Where more Perſons dwell in the ſame Houſe, the firſt taker ſhall pay the Tythe;

VI. And if that any perſon or perſons have, or ſhall take divers manſion houſes, ſhops, warehouſes, cellars or ſtables in one leaſe, and letteth, or ſhall let out one or more of the ſaid houſes, and keepeth, or ſhall keep one or more in his or their own hands, and inhabiteth or inhabit in the ſame; that then the ſaid taker or takers, and his and their executors or aſſigns, ſhall pay his or their tithes after the rate abovesaid, according to the quantity of the yearly rent of ſuch manſion houſe or houſes, retained in his or their hands: And that his aſſignee or aſſignees, of the reſidue of the ſaid manſion houſe or houſes, ſhall pay his or their tithes after the rate abovesaid, according to the quantity of their yearly rents.

—but one Perſon *taking* divers Houſes, *&c.* ſhall pay for what he retains, and his Aſſignees for the reſt.

VII. Item, If ſuch fermor or fermors, or his or their aſſigns of any manſion houſe or houſes, ware-houſes, ſhops, cellars or ſtables, hath at any time within eight years laſt paſt, or ſhall hereafter let over all the ſaid manſion houſe or houſes contained in his or their leaſe, to one perſon, or to divers perſons; That then the inhabitants, leſſees or occupiers of them, and every of them, ſhall pay their tithes,

Houſes, *&c.* being united, or divided, ſhall pay according to the accuſtomed proportion;

Hardr. p. 102. *a* Parſons, Vicars, and Curates.] *Ann.* 1657. in the Caſe of *Sheffield* and *Serjeant*, the Queſtion was, Whether one who was in by Sequeſtration, could be reliev'd by this Act before the Lord Mayor; and tho' the Court agreed, that an *Impropriator* who is not within the Words, is yet within the *Intent* of the Act (as it had been ruled in Chancery) and that a *Sequeſtrator*, tho' not Parſon, comes in under the Parſon's *Title*; yet the Court were divided, and the Matter was afterwards, by conſent, referred to a Compromiſe.

Noy, 130. *b* By the year.] It was reſolved, in the Caſe of Dr. *Meadhouſe* againſt Dr. *Taylor*, that a Rent for half a year, and afterwards for another half year, is a yearly Rent, or a Rent by the year, within the meaning of this Decree.

Mo. 912. 1 Cro. 276. *c* Every houſe] In the Caſe of *Green* againſt *Pipe*, it was ſuggeſted, in order to hinder the granting of a Conſultation, that the Houſe belonged to a Priory, which was *diſcharged* of Tythes, by Bull; but the Court reply'd, That by Common Law, Houſes paid no Tythes; and the Right in the preſent Caſe ſubſiſting immediately upon this Statute, which lays them upon *every Houſe*, no Exemption ſhall be allowed, but to ſuch Houſes as are *ſpecially exempted* by the Statute it ſelf.

d Leſs rent] It was reſolv'd, (5 *Jac.* 1.) in the Caſe of *Skidmore* and *Eyre*, againſt the Parſon of St. *Michael Queene-hithe*, where the Rent at the time of the Decree, and after, was 5 *l.* and a new Leaſe was let, with the ſame Rent, and over that a conſiderable Fine; that the Tythe notwithſtanding, ſhould only be paid according to the *accuſtomed Rent*; and that if it was ſo paid, no *Fraud* or *Covin* could be alledged. But it was further reſolved, that if *no Rent* be reſerved, the Parſon ſhall have his Tythes according to the *Decree*, albeit *no Fine* be paid. 2 Inſt. 659. Ibid. 660.

e Laſt letten] *i. e.* Not laſt before the *Decree*, but before the *demand of the Tythes*. But if a Houſe was never letten, but always inhabited by the Owner; this is *Caſus omiſſus*, and the Houſe ſhall pay no Tythe by force of the *Decree*; as was adjudged in the forementioned Caſe of *Skidmore* and *Eyre*. Noy, 130.

after the rate of ſuch rents, as the inhabitants, leſſees, or occupiers, and their aſſignee or aſſignees, have been or ſhall be charged withall, without fraud or covin.

—and ſo alſo, if converted to other Uſes.

VIII. Item, If any dwelling houſe within eight years laſt paſt, was, or hereafter ſhall be converted into a ware-houſe, ſtore-houſe, or ſuch like, or if a warehouſe, ſtore-houſe, or ſuch like, within the ſaid eight years, was, or hereafter ſhall be converted into a dwelling houſe; That then the occupiers thereof ſhall pay tithes for the ſame, after the rate above declared of manſion-houſe rents.

Where Implements, Cranes, &c. are let with Work-houſes of any kind, the third penny ſhall be abated;

IX. Item, That where any perſon ſhall demiſe any Dye-houſe or Brew-houſe, with implements convenient and neceſſary for dying or brewing, reſerving a rent upon the ſame, as well in reſpect of ſuch Implements, as in reſpect of ſuch Dye-houſe or Brew-houſe; That then the tenant ſhall pay his tithes after ſuch rate as is aboveſaid, the third peny abated: And that every principal houſe or houſes, with Key or Wharf, having any Crane or Gibet belonging to the ſame, ſhall pay after the like rate of their rents, as is aforeſaid, the third peny abated; and that other Wharfs belonging to houſes having no Crane or Gibet, ſhall pay for his tithes as ſhall be payed for manſion houſes, in form aforeſaid.

—but ſhops, yards, &c. being united to a Houſe, ſhall pay to the full Rent, if ſevered from it.

X. Item, That where any manſion houſe with a ſhop, ſtable, ware-houſe, wharf with crane, timber-yard, teinter-yard, or garden belonging to the ſame, or as parcel of the ſame, is or ſhall be occupied together, that if the ſame be hereafter ſevered or divided, or at any time within eight years laſt paſt were ſevered or divided: That then the fermor or fermors, occupier or occupiers thereof, ſhall pay ſuch tithes as is aboveſaid, for ſuch ſhops, ſtable, ware-houſes, wharf with crane, timber-yard, teinter-yard, or garden aforeſaid, ſo ſevered or divided, after the rate of their ſeveral rents thereupon reſerved.

Tythes ſhall be paid quarterly.

XI. Item, That the ſaid citizens and Inhabitants ſhall pay their tithes quarterly, that is to ſay, at the Feaſt of Eaſter, the Nativity of St. John Baptiſt, the Feaſt of St. Michael the Archangel, and the Nativity of our Lord, by even portions.

Houſholder of 10*s.* or more, ſhall pay no offerings; but each of the Family &c, 2*d.* yearly.

XII. Item, That every houſholder, paying ten ſhillings rent or above, ſhall for him, or her ſelf, be diſcharged of their four offering days: But his wife, children, ſervant, or others of their family, taking their rights of the Church at Eaſter, ſhall pay two pence for their four offering days yearly.

Any Houſe of 10*s.* or above, being let into ſmall parcels, Tythe ſhall be paid, according to that rate, by the Owner, or principal Leſſee.

XIII. Provided always, and it is decreed, That if any houſe or houſes which hath been, or hereafter ſhall be letten for ten ſhillings rent by year, or more, be, or hath at any time within eight years laſt paſſed, or hereafter ſhall be divided and leaſed into ſmall parcels or members, yielding leſs yearly rent then ten ſhillings by year; That then the owner or owners, if he or they dwell in any part of ſuch houſe, or elſe the principal leſſee and leſſees, if the owner or owners do not dwell in ſome part of the ſame, ſhall from henceforth pay, for his or their tithes, after ſuch rate of rent, as the ſame houſe was accuſtomed to be letten for, before ſuch diviſion or dividing into parts or members: And the under-fermor and fermors, leſſee and leſſees, to be diſcharged of all tithes for ſuch ſmall parcels, parts or members, rented at leſs yearly rent then ten ſhillings by year without fraud or covin, paying two pence a piece yearly for four offering days.

Gardens, for pleaſure, ſhall pay no Tythe,

—but otherwiſe, if for profit;

XIV. Provided alway, and it is decreed, That for ſuch gardens as appertain not to any manſion houſe, and which any perſon or perſons holdeth or ſhall hold in his or their hands for pleaſure, or to his own uſe; that then the perſon ſo holding the ſame, ſhall pay no tithes for the ſame: But if any perſon or perſons, which holdeth, or ſhall hold any ſuch garden, containing half an acre or more, doth or ſhall make any yearly profit thereof by way of ſale; that then he or they ſhall pay tithes for the ſame, after ſuch rate of his rent, as is herein firſt above ſpecified.

—and ſo, if divided into leſs quantities.

XV. Provided alſo, That if any ſuch gardens now being of the quantity of half an acre, or more, be hereafter by fraud or covin divided into leſs quantity or quantities, then to pay tithe according to the rate aboveſaid.

This Decree ſhall not extend to Houſes of Noblemen, nor publick Halls;

XVI. Provided alway, That this decree ſhall not extend to the houſes of great men, or noble men, or noble women, kept in their own hands, and not letten for any rent, which in times paſt hath payed no tithes, ſo long as they ſhall ſo continue unletten: Nor to any Halls of Crafts or Companies, ſo long as they be kept unletten, ſo that the ſame Halls in times paſt have not uſed to pay any tithes.

—nor to Sheds, Stables, &c. diſtinct, and which have not paid Tythes.

XVII. Provided always, and it is decreed, That this preſent order and decree ſhall not in any wiſe extend to bind or charge any ſheds, ſtables, cellers, timber-yards, ne teinter-yards, which were never parcel of any dwelling-houſe, ne appertaining or belonging to any dwelling-houſe, ne have accuſtomed to pay any tithes: but that the ſaid citizens and inhabitants ſhall thereof be quit of payment of any tithes, as it hath been uſed and accuſtomed.

Where leſs than the foreſaid Rates, hath been cuſtomably paid, leſs ſhall continue to be paid.

XVIII. Provided alſo, and it is decreed, That where leſs ſum then after ſixteen pence half peny in the ten ſhillings rent, or leſs ſum then two ſhillings nine pence in the twenty ſhillings rent, hath been accuſtomed to be paid for tithes; that then in ſuch places, the ſaid citizens and inhabitants ſhall pay but onely after ſuch rate as hath been accuſtomed.

XIX. Item,

XIX. Item, It is alſo decreed, That if any variance, controverſie or ſtrife, do or ſhall hereafter ariſe in the ſaid City for non-payment of any tithes: or if any variance or doubt ariſe upon the true knowledge or diviſion of any rent or tithes, within the liberties of the ſaid City, or of any extent or aſſeſſment thereof, or if any doubt ariſe upon any other thing contained within this decree; that then [f] upon complaint made by the party grieved, [g] to the Mayor of the City of London for the time being, the ſaid Mayor by the advice of Councel, ſhall call the ſaid parties before him, and make a final end in the ſame, with coſts to be awarded by the diſcretion of the ſaid Mayor and his aſſiſtants, according to the intent and purport of this preſent decree.

All Controverſies ſhall be determined by the Lord Mayor;

XX. And if the ſaid Mayor make not an end thereof within two months after complaint to him made, or if any of the ſaid parties find themſelves agrieved; that then the Lord Chancellor of England for the time being, upon complaint to him made within three months then next following, ſhall make an end in the ſame, with ſuch coſts to be awarded as ſhall be thought convenient, according to the intent and purport of the ſaid decree.

— or (if the Lord Mayor do it not in 2 months) by the Lord Chancellor.

XXI. Provided always, That if any perſon or perſons take any tenement for a leſs rent then it was accuſtomed to be letten for, by reaſon of great ruine or decay, brenning, or ſuch like occaſions or misfortunes; that then ſuch perſon or perſons, his executors or aſſigns, ſhall pay tithes onely after the rate of the rent reſerved in his or their leaſe, and none otherwiſe, as long as the ſame leaſe ſhall endure.

Leaſe being taken at a lower rent than uſual, by reaſon of ruins, &c. payment ſhall be made, only according to ſuch Rent.

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2 Inſt. 660. [f] **Upon Complaint made**] In the Caſe of Dr. *Meadhouſe* and Dr. *Taylor*, it was held by the Court, That the Complaint ought to be in *writing* (and not by *word of mouth* only) in nature of a *monſtrans de droit*, declaring all the Title.

3 Cro. 596. [g] **To the Mayor**] *Ann.* 5 *Jac.* 1. in the forementioned Caſe of *Skidmore* and *Eyre*, againſt the Parſon of St. *Michael Queene-hithe*, it was adjudged, That if the Incumbent ſued for Tythes due by this Act in the Eccleſiaſtical Court, Prohibition would lie; becauſe the Act and Decree which raiſed and gave theſe kinds of Tythes, did limit and appoint how, and before whom, the ſame ſhould be ſued for. Purſuant to which, it was ſaid, 16 *Car.* 1. That divers Prohibitions had been granted (when Tythes were ſued for, upon this Statute) to the Eccleſiaſtical Court. But when it was pleaded, *Ann.* 1658. that the right of Tythes, upon the foundation of this Act, could not be cogniſable in the Exchequer, by reaſon of the Proviſion therein made, for determining of all Controverſies before the Ld. *Mayor*, or Lord *Chancellor*; it was held clearly by the Barons, that the Court of Exchequer had Juriſdiction in the Cauſe, becauſe the Act had no *negative* Words in it. Upon which I ſhall only obſerve, That if *Affirmative* Words will not exclude the *Temporal* Court; it may be hard to find a good Reaſon, why (according to the foregoing Judgments) they ſhould exclude the *Spiritual* Court. Hardr. 116.

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19 Car. II. Cap. 3.

In an Act; Entituled, *An Act for Rebuilding the City of* London.

XXVIII. And that the ſaid Citizens and their Succeſſors for all the time to come, may retain the Memorial of ſo ſad a Deſolation, and reflect ſeriouſly upon their manifold Iniquities, which are the unhappy cauſes of ſuch Judgments, Be it further enacted, that the ſecond day of September (unleſs the ſame happen to be Sunday, and if ſo, then the next day following) be yearly for ever hereafter obſerved as a day of Publick Faſting and Humiliation within the ſaid City and Liberties thereof, to implore the Mercies of Almighty God upon the ſaid City, to make devout Prayer and Supplication unto Him, to divert the like Calamity for the time to come.

The 2d. of *September* ſhall be a Day of Faſting, for a Memorial of the Fire of *London*.

XXXI. And it is hereby further enacted, That the Pariſh Churches to be rebuilded within the ſaid City of London, in lieu of thoſe which were demoliſhed by the late Fire, ſhall not exceed the number of Thirty nine; which ſhall be ſet out and appointed by and with the advice and conſent of the Lord Archbiſhop of Canterbury, and the Biſhop of London for the time being.

Pariſh-Churches, to be rebuilt, ſhall not exceed the number of 39;

XXXII. Provided alſo, and be it enacted by the authority aforeſaid, That the Scites and Materials of ſuch Churches as by this Bill are not intended to be Rebuilt, together with the Church-yards belonging to ſuch Churches, ſhall be, and are hereby veſted in the Lord Mayor and Aldermen of the City of London for the time being; to the end ſo much of the ſaid Ground as ſhall not upon the Rebuilding of the ſaid City, be laid into the Streets, be ſold and diſpoſed of by the ſaid Lord Mayor and Aldermen, or the major part of them for the time being, with the conſent of the Archbiſhop of Canterbury, and Biſhop of London for the time being; and the money raiſed by ſuch Sale, ſhall be, by the ſaid Mayor and Aldermen, or the major part of them, with the conſent of the ſaid Archbiſhop and Biſhop, diſpoſed of, and imployed for and towards the Rebuilding of ſuch Pariſh Churches as by this Act are intended to be Rebuilt, and for no other uſe or purpoſe whatſoever.

— to which uſe alone, the money for the Sites and Materials of the Churches not to be rebuilt, ſhall be applied.

22 Car. II. Cap. 11.

In an Act, Entituled, *An Additonal Act for the Rebuilding of the City of* LONDON, *Uniting of Pariſhes, and Rebuilding of the Cathedral and Parochial Churches, within the ſaid City.*

Three fourth Parts of the Impoſition upon Coals ſhall be employed in rebuilding of Churches, till *June* 24. 1677.

XXXIX. And be it further enacted, That all and every Sum and Sums of money which ſhall be raiſed upon the Receipt of the ſeveral and reſpective Impoſitions aforeſaid, or by ſuch Additional Duty, in caſe of concealment thereof, as by the aforeſaid Act is appointed, ſhall be imployed and diſpoſed in manner and form following, (that is to ſay) Three fourth parts of all the moneys which from and after the ſaid Firſt day of May, One thouſand ſix hundred ſeventy, and before the ſaid Twenty fourth day of June, One thouſand ſix hundred ſeventy and ſeven, ſhall be raiſed or payable upon the Receipt of the aforeſaid Impoſition of Two ſhillings for every Chaldron or Tun of Coles, or in caſe of concealment thereof as aforeſaid; ſhall be imployed and diſpoſed for and towards the Rebuilding, Erecting or Repairing of the ſaid Pariſh-Churches reſpectively, according to ſuch Order and Direction as by the Lord Archbiſhop of Canterbury, the Lord Biſhop, and Lord Mayor of London for the time being, or any two of them, ſhall be given in that behalf: and the ſame ſhall from time to time be iſſued out and paid accordingly, unto ſuch perſon and perſons as they, or any two of them, ſhall, by Warrant under their Hands and Seals for that purpoſe, direct and appoint: And the other fourth part, reſidue thereof, ſhall be imployed for and towards the giving Satiſfaction for Grounds ſet out and imployed for inlarging of the Streets, making of Wharfs, Keys, Publick Market-places, and other Publick Uſes, in this and the aforeſaid Act mentioned and appointed: And that one moiety of all the moneys which from and after the ſaid twenty fourth day of June, One thouſand ſix hundred ſeventy and ſeven, ſhall be raiſed, or payable upon the aforeſaid Impoſition of Three ſhillings the Chaldron or Tun of Coles, or in caſe of concealment thereof as aforeſaid, ſhall be imployed and diſpoſed for and towards the Rebuilding, Erecting and Repairing of the ſaid reſpective Pariſh Churches, by ſuch Order and Direction, and to be iſſued out and paid by ſuch Warrant of the ſaid Lord Archbiſhop of Canterbury, Lord Biſhop, and Lord Mayor of London for the time being as aforeſaid: And the other moiety thereof ſhall from time to time be imployed and diſpoſed for the giving of Satiſfaction for Ground ſet out and imployed as aforeſaid, and ſuch other publick uſes and purpoſes as in this and the aforeſaid Act are mentioned and appointed.

— and, that after time, one moiety.

One fourth of the Money for building Pariſh-Churches, may be applied to St. *Paul's*.

XLI. Provided always, and be it enacted, That it ſhall and may be lawful for the Lord Archbiſhop of Canterbury, the Lord Biſhop of London, and Lord Mayor of London for the time being, or any two of them as aforeſaid, to imploy or diſpoſe, for and towards the building, or repairing the Cathedral Church of Saint Paul, one fourth part of the money by this Act given and appointed for the building, erecting or repairing the Pariſh-Churches aforeſaid.

Inſtead of 39 Churches (as by the foregoing Act) the number ſhall be 51.

LXII. And whereas by a late Act of this preſent Parliament, entituled, An Act for the Rebuilding the City of London, It was enacted, That the Pariſhes to be Rebuilded within the ſaid City of London, in lieu of thoſe which were demoliſhed by the late dreadful Fire, ſhould not exceed the number of Thirty nine; But foraſmuch as upon an exact Survey taken of the number of Houſes to be Rebuilded, and of the extent of the reſpective Pariſhes neceſſary to be ſetled and continued within the ſaid City, It doth appear that the Pariſhes to be ſetled and continued, and the Pariſh Churches to be Rebuilded within the ſaid City of London, in lieu of thoſe demoliſhed or conſumed by the ſaid late Fire, cannot conveniently by Union, or otherwiſe, be reduced to a leſs number than Fifty one: Be it further enacted by the Authority aforeſaid, That the number of Pariſhes to be ſetled, and of Pariſh Churches to be Rebuilded within the ſaid City of London, ſhall be Fifty one; The aforeſaid Act, or any thing therein contained to the contrary notwithſtanding.

Pariſhes which ſhall continue, as before the Fire:

LXIII. And that the Fifty one Pariſhes ſo to be continued, as hereafter followeth, That is to ſay, Alhallows Lumber-ſtreet, St. Bartholomew-Exchange, St. Bridges, alias Brides, St. Bennets-Finck, St. Michaels Croked-lane, St. Chriſtophers, St. Dionis Back-Church, St. Dunſtans in the Eaſt, St. James Garlick-hithe, St. Michael Cornhill, St. Baſſiſhaw, St. Margaret Loathbury, St. Mary Aldermanbury, St. Martin Ludgate, St. Peters Cornhill, St. Stephens Coleman-ſtreet and St. Sepulchres, ſhall remain and continue as heretofore they were: And that the reſpective Pariſh Churches to each of the ſaid Pariſhes belonging ſhall be Rebuilded and continued for the uſe of the ſaid Pariſhes: And that the ſeveral Pariſhes here-

hereafter mentioned ſhall be reſpectively united into one Pariſh, in manner hereafter following, that is to ſay,

And others to be united, as follows, *viz.*

The Pariſhes of Alhallows Breadſtreet and St. John Evangeliſt, ſhall be united into one Pariſh, and the Church heretofore belonging to the ſaid pariſh of St. Alhallows Bread-ſtreet ſhall be Rebuilded, and ſhall be the *gg* pariſh Church of the Pariſhes ſo united.

— *Alhallows-Breadſtreet*, and St. *John Evangeliſt*;

The Pariſhes of Alhallows the Great, and Alhallows the Leſs, ſhall be united into one Pariſh; and the Church heretofore belonging to the ſaid Pariſh of Alhallows the Great ſhall be the pariſh Church of the ſaid Pariſhes ſo united.

Alhallows the Great, and Leſs;

The Pariſhes of Saint Albans Wood-ſtreet and St. Olaves Silver-ſtreet, ſhall be united into one Pariſh; And the Church heretofore belonging to the ſaid Pariſh of St. Albans Wood-ſtreet ſhall be the pariſh Church of the ſaid Pariſhes ſo united.

— St. *Albans Wood-ſtreet*, and St. *Olaves Silverſtreet*;

The Pariſhes of Saint Anne and Agnes, and Saint John Zachary, ſhall be united into one Pariſh; and the Church heretofore belonging to the ſaid Pariſh of Saint Anne and Agnes ſhall be the pariſh Church of the ſaid Pariſhes ſo united.

— St. *Anne* and *Agnes*, and St. *John Zachary*;

The Pariſhes of St. Auſtins and St. Faiths, ſhall be united into one Pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Auſtins ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Auſtins* and St. *Faiths*;

The pariſhes of Saint Andrew Wardrobe and Saint Anne Black-Friers, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Andrew Wardrobe ſhall be the pariſh Church of the ſaid Pariſhes ſo united.

— St. *Andrew Wardrobe*, and St. *Anne Black-friers*;

The pariſhes of St. Antholins and Saint John Baptiſt, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Antholins ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Antholin*, and St. *John Baptiſt*;

The pariſhes of Saint Bennet Grace-Church and Saint Leonard Eaſtcheap, ſhall be united into one Pariſh; and the Church heretofore belonging to the ſaid Pariſh of Saint Bennet Grace-Church ſhall be the pariſh Church of the ſaid Pariſhes ſo united.

— St. *Bennet Grace-Church-ſtreet*, and St. *Leonard Eaſtcheap*;

The Pariſhes of Saint Bennet Pauls-Wharf and Saint Peter Pauls-Wharf, ſhall be united into one Pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Bennet Pauls-Wharf ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Bennet Pauls Wharf*, and St. *Peter Pauls Wharf*;

The pariſhes of Chriſt Church and St. Leonard Foſter-lane, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Chriſt Church ſhall be the pariſh Church of the ſaid Pariſhes ſo united.

— *Chriſt Church*, and St. *Leonard Foſter-lane*;

The pariſhes of Saint Edmond the King and Saint Nicholas Acons, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Edmond the King ſhall be the pariſh Church of the ſaid Pariſhes ſo united.

— St. *Edmond* the *King*, and St. *Nicholas Acons*;

The Pariſhes of Saint George Botolph-lane and Saint Botolph Billinſgate, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid Pariſh of St. George Botolph-lane ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Geo. Botolph-lane*, and St. *Botolph Billingſgate*;

The Pariſhes of Saint Lawrence Jury and Saint Magdalens Milk-ſtreet, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Lawrence Jury ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Lawrence Jury*, and St. *Magdalens Milk-ſtreet*;

The pariſhes of Saint Magnus and Saint Margaret New Fiſh-ſtreet, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Magnus ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Magnus*, and St. *Margaret New Fiſh-ſtreet*;

The pariſhes of Saint Michael Royal and Saint Martins Vintry, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid Pariſh of Saint Michael Royal ſhall be the pariſh Church of the ſaid Pariſhes ſo united.

— St. *Michael Royal*, and St. *Martins Vintry*;

The Pariſhes of Saint Matthew Friday-Street and Saint Peters Cheap, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Matthew Friday-Street ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Matthew Friday ſtreet*, and St. *Peters Cheap*;

The pariſhes of Saint Margaret Pattens and Saint Gabriel Fen-church, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Margaret Pattens ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Margaret Pattens*, and St. *Gabriel Fen-church*;

Skinner, p. 588, 616.

gg Pariſh Church] In other Unions, the Inhabitants of the Pariſhes united, not only remain Pariſhioners of the ſame diſtinct Pariſhes, as before, but divine Service is to be performed in each, and each is to repair it's own Church; but here, the other Church is extinguiſhed, and this is become the Pariſh Church to both, in which both hear divine Service *jointly*; and therefore both ſhall be contributory to the Repairs.

—St. *Mary Atthill*, and St. *Andrew Hubbord*;

The pariſhes of Saint Mary Atthill and Saint Andrew Hubbord, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Mary Atthill ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Mary Wolnoth*, and St. *Mary Wool-church*;

The pariſhes of Saint Mary Wolnoth and Saint Mary Wool-church, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Mary Wolnoth ſhall be the pariſh Church of the ſaid pariſhes ſo united.

—St. *Clement Eaſtcheap*, and St. *Martin Orgars*;

The pariſhes of Saint Clement Eaſtcheap and Saint Martins Orgars, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Clement Eaſtcheap ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Mary Abchurch*, and St. *Lawrence Pountney*;

The pariſhes of Saint Mary Ab-church and Saint Lawrence Pountney, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Mary Ab-church ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Mary Aldermary*, and St. *Thomas Apoſtle*;

The pariſhes of Saint Mary Aldermary and Saint Thomas Apoſtle, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Mary Aldermary ſhall be the pariſh Church of the ſaid pariſhes ſo united.

—St. *Mary Le Bow*, St. *Pancras Soaper-lane*, and *Alhallows Honey lane*;

The pariſhes of Saint Mary le Bow, Saint Pancras Soaper-lane, and Alhallows Honey-lane, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Mary le Bow ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— S. *Mildreds Poultrey*, and St. *Mary Cole-Church*;

The pariſhes of Saint Mildreds Poultrey and Saint Mary Cole-church, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid Pariſh of Saint Mildreds Poultrey ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Michael Woodſtreet*, and St. *Mary Staining*;

The pariſhes of Saint Michael Woodſtreet and Saint Mary Staining, ſhall be united into one pariſh; and the pariſh Church heretofore belonging to the ſaid pariſh of Saint Michael Woodſtreet ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Mildred Breadſtreet*, and St. *Margaret Moſes*;

The pariſhes of Saint Mildred Bread-ſtreet and Saint Margaret Moſes, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Mildred Bread-ſtreet ſhall be the pariſh Church of the pariſhes ſo united.

— St. *Michael Queen-Hith*, and *Trinity*;

The pariſhes of Saint Michael Queen-Hith and Trinity, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Michael Queen-Hith ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Mary Magdalen Old Fiſh-ſtreet*, and St. *Gregories*;

The pariſhes of Saint Mary Magdalen Old Fiſh-ſtreet and Saint Gregories, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Mary Magdalen Old Fiſh-ſtreet ſhall be the pariſh Church of the pariſhes ſo united.

— St. *Mary Somerſet*, and St. *Mary Munthaw*;

The pariſhes of St. Mary Somerſet and Saint Mary Munthaw, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Mary Somerſet ſhall be the pariſh Church of the pariſhes ſo united.

— St. *Nicholas Cole Abby*, and St. *Nicholas Olaves*;

The pariſhes of Saint Nicholas Cole Abby and Saint Nicholas Olaves, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of St. Nicholas Cole Abby ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Olaves Jewry*, and St. *Martins Pomroy*, alias *Ironmonger-lane*;

The pariſhes of Saint Olaves Jury and Saint Martins Pomroy, alias Ironmonger-lane, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Olaves Jury ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Stephen Walbrook*, and S. *Bennet Sherhogg*;

The pariſhes of Saint Stephen Walbrook and Saint Bennet Sherhogg, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Stephen Walbrook ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Swithin* and St. *Mary Bothaw*;

The pariſhes of Saint Swithin and Saint Mary Bothaw, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Swithin ſhall be the pariſh Church of the ſaid pariſhes ſo united.

— St. *Vedaſt*, alias St. *Foſters*, and St. *Michael Quern*.

The pariſhes of Saint Vedaſt alias Saint Foſters, and Saint Michael Quern, ſhall be united into one pariſh; and the Church heretofore belonging to the ſaid pariſh of Saint Vedaſt alias Saint Foſters ſhall be the pariſh Church of the ſaid pariſhes ſo united.

The Churches ſhall be built under the direction of the Archbiſhop of *Cant.* the Biſhop of *London*, and the Lord Mayor;

LXIV. And it is hereby further enacted and declared, That the ſaid reſpective Churches to be Rebuilded within the ſaid City of London, and Liberties thereof, ſhall be built and erected according to ſuch Models, and of ſuch Dimenſions, and in ſuch Manner and Form in all reſpects, as by the ſaid Lord Archbiſhop of Canterbury, Lord Biſhop of London, and Lord Mayor of London for the time being, (with his Majeſties Approbation thereof) ſhall be directed and appointed. And the ſaid reſpective pariſhes herein before mentioned, and appointed to be be united as aforeſaid, ſhall for ever hereafter remain and continue ſo United and Conſolidated and Annexed unto the ſeveral and reſpective pariſh Churches by this Act appointed to be Rebuilded as aforeſaid: And the reſpective Pariſhioners, and the Inhabitants of the ſaid ſeveral Pariſhes ſo to be united as aforeſaid, by force of the preſent Act, ſhall hereafter

after reſort to the ſaid Churches reſpectively, as to their proper pariſh Church: And all Tythes and other Duties heretofore due and payable to the reſpective Incumbents of the ſaid pariſh Churches reſpectively, ſhall hereafter be paid and payable to the Incumbent of that Church only, which by this Act is appointed to be Rebuilded and eſtabliſhed for the pariſh Church of the pariſhes ſo united as aforeſaid.

—and Divine Service ſhall be attended, and Dues paid, according to the foreſaid Unions;

LXV. And be it further enacted, That all Plate and Goods heretofore belonging to any of the Churchwardens of any the pariſhes of thoſe pariſhes Burnt down, which are not now to be Rebuilded for the uſe of the ſaid Churches, ſhall be enjoyed by the reſpective Churchwardens and their ſucceſſors of the reſpective pariſhes of ſuch Churches to be Rebuilded reſpectively, whereunto the ſaid other Churches Burnt down are United by this Act, to the uſe of the ſaid Churches and Pariſhes reſpectively.

—and the Plate and Goods of the Churches not to be rebuilt, ſhall be to the uſe of thoſe, to which they are united;

LXVI. Provided always, That the Scites of the Churches to be Demoliſhed, and the Church-yards belonging to the ſame, ſhall be incloſed with Brick or Stone-walls for Burial for the pariſhes formerly belonging to the ſame, and the pariſhes to which they are reſpectively United as aforeſaid, and not uſed or employed for any other purpoſe whatſoever; Excepting ſuch of the Scites and Church-yards, or parts of Scites and Church-yards of the ſaid pariſh Churches ſo Demoliſhed, as aforeſaid, as are already laid into the Streets and Market-places ſo ſet out for that purpoſe, or ſuch other as ſhall within Two years next following be thought fit by the Mayor and Aldermen of the ſaid City, with the conſent of the Lord Archbiſhop of Canterbury, and Lord Biſhop of London, and by his Majeſties Approbation, to be laid into the Streets and Markets for Enlargement and Accommodation thereof, or for publick Store-places.

—and the Sites and Churchyards ſhall be incloſed for burial, as before;

—except ſuch as have been, or ſhall be found neceſſary for Enlargement of Streets.

LXVII. Provided always, That where any part of the Churches or Church-yards of any of the ſaid pariſh Churches hereby appointed to be Rebuilt and continued, have been thought fit by the Mayor and Court of Aldermen of the ſaid City, to be laid into any of the Streets within the ſaid Enlargement thereof; and by Order of the ſaid Mayor and Court of Aldermen ſhall have been before the Five and twentieth day of March, One thouſand ſix hundred and ſeventy, ſtaked and ſet out accordingly; It is hereby further enacted and declared, That the Grounds ſo ſtaked out ſhall be made uſe of for the enlarging of the ſaid Streets, according as the ſame were for that purpoſe ſtaked and ſet out as aforeſaid; This preſent Act or any thing therein contained to the contrary notwithſtanding.

LXVIII. Provided always, and it is hereby enacted and declared, That notwithſtanding ſuch Union as aforeſaid, each and every of the pariſhes ſo United, as to all Rates, Taxes, Parochial Rites, Charges and Duties, and all other Priviledges, Liberties and Reſpects whatſoever, other then what are herein before mentioned and ſpecified, ſhall continue and remain diſtinct, and as heretofore they were, before the making of this preſent Act: And that the ſeveral and reſpective Patrons of the ſaid Churches ſo United, ſhall and may preſent by turns to that Church only which by this Act is appointed to be Rebuilded and Eſtabliſhed for the pariſh Church of the pariſhes ſo United as aforeſaid: The firſt preſentment to be made by the Patron of ſuch of the ſaid Churches, the Endowments whereof are of the greateſt yearly value.

Notwithſtanding the ſaid Unions, Rates ſhall remain the ſame;

—and Patronages ſhall be alternate; beginning with that of the greateſt value.

LXIX. Provided always, and it is hereby declared, That this Act, or any thing therein contained, ſhall not extend, or be conſtrued to deprive the preſent Incumbents, which at the time of the ſaid late Fire, were, or now are, in poſſeſſion of any of the ſaid pariſh Churches not to be Rebuilded, or any of them, of the Tythes or other Profits heretofore belonging to their reſpective Churches, ſo long as they ſhall aſſiſt in ſerving the Cure, and other Offices belonging to their Duty in the the pariſh Church whereunto their reſpective pariſhes ſhall be united and Annexed by vertue of this Act, according to the direction of the Ordinary; Any thing in this preſent Act contained to the contrary notwithſtanding. Saving to the Kings Majeſty, his heirs and ſucceſſors, the Tenths and Firſt-Fruits of all ſuch pariſh Churches as by force of this preſent Act ſhall be united and conſolidated as aforeſaid, according to ſuch rates and valuations as the ſame do reſpectively ſtand rated and valued at, in his Majeſties Court of Firſt-Fruits and Tenths; Any thing in this preſent Act notwithſtanding: Saving alſo to all other perſon and perſons, Bodies Politick and Corporate, Eccleſiaſtical and Civil, their Heirs and ſucceſſors, all Penſions, Annuities and Payments whatſoever, heretofore due from, and payable by any Rectors, Vicars and Curates of any of the ſaid Churches United or Conſolidated as aforeſaid; Any thing in this preſent Act notwithſtanding.

Saving of Rights to the preſent Incumbents;

—and of Firſt-fruits and Tenths, to the King;

—and of Penſions, *&c.* to all others.

LXX. Provided always, That it ſhall and may be lawful to and for the Warden, and Minor Canons of Saint Pauls Church London, Parſon and Proprietors of the Rectory of the Pariſh of Saint Gregories aforeſaid, to receive and enjoy all Tythes, Oblations and Duties ariſing or growing due within the ſaid Pariſh, in as large and beneficial manner as formerly they have, or lawfully might have done; Any thing herein to the contrary notwithſtanding.

Minor Canons of St. *Paul's*, may receive the Tythes of St. *Gregories*, as before.

For the building a Free-School, &c. on the Scite of St. *Mary Cole-church*,

— the ſaid Scite and Materials ſhall be ſettled on the *Mercers* Company; — Satisfaction being made to the Lord Mayor and Aldermen.

LXXI. And whereas the Wardens and Commonalty of the Myſtery of the Mercers of the City of London, at the time of the ſaid Fire, were ſeiſed in Fee of the Rectory and pariſh Church Impropriate of Saint Mary Cole-church, (the ſaid Church being an upper Room about ten Foot higher than the ſtreet, and lying over certain Rooms and Arched Vaults or Cellars of the ſaid Wardens and Commonalty) upon the ſcite of which Church they have deſigned to Build a Free-ſchool, and other Buildings, conformable to the Rules of the ſaid former Act, and to remove the Dead Bodies and Bones of ſuch as have been Buried upon the Arches, and to cauſe them to be decently repoſed within the body of their Chappel commonly called Mercers Chappel; Be it therefore hereby enacted, That the ſcite of the ſaid pariſh Church, and the Materials thereof remaining upon the ſaid ſcite, be and are hereby ſetled upon the ſaid Wardens and Commonalty, and their ſucceſſors for ever; And that the ſaid Wardens and Commonalty ſhall pay to the Lord Mayor and Aldermen of the City of London for the ſame, ſuch ſum of Money towards the Rebuilding of the Church whereunto the ſame is by this Act appointed to be United, as ſhall be agreed upon between the ſaid Lord Mayor and Aldermen, and the ſaid Wardens and Commonalty, or be aſſeſſed by a Jury impannelled and ſworn, as by the ſaid former Act is directed in any other caſe; any thing in this Act to the contrary notwithſtanding.

Incumbents of Churches burnt, ſhall not be liable to Dilapidations;

LXXII. And whereas ſeveral pariſh Churches, Chancels, Parſonage and Vicarage-houſes, were conſumed in the late diſmal Fire; To the end therefore the Incumbents, Parſons and Vicars may not be liable to the Rebuilding of their Chancels, Parſonage and Vicarage-houſes, nor be ſued for Dilapidations; Be it enacted by the authority aforeſaid, That the Incumbents, Parſons and Vicars of the aforeſaid Churches, their Executors and Adminiſtrators, ſhall be, and are hereby indempnified, as to the Rebuilding of their reſpective Chancels, Parſonage and Vicarage-houſes; and ſhall not be liable to any ſuits, troubles, or moleſtations that may ariſe for Dilapidations aforeſaid: And that no Proceſs ſhall be Iſſued out of any Court whatſoever, againſt the perſons aforeſaid, for their not Rebuilding their reſpective Chancels, and Parſonage and Vicarage-houſes; Any Law or ſtatute to the contrary in any wiſe notwithſtanding.

— nor to the payment of Duties to the King or Ordinaries,

— till they ſhall receive Profits;

LXXIII. And whereas FirſtFruits, Tenths and ſeveral Penſions are from the ſaid Parſons and Vicars to be yearly paid to his Majeſty, and ſeveral Duties to the Ordinary and Archdeacon, That his Majeſty will be graciouſly pleaſed, that it may be enacted; And be it further enacted by the Authority aforeſaid, That the ſaid Parſons and Vicars be Indempnified, and are hereby Indempnified from the payment of all Firſt-Fruits, Tenths and Penſions due, and which ſhall be due to his Majeſty; And from all Dues to the Ordinary and Archdeacon, and all other Dues whatſoever chargeable upon them reſpectively, until ſuch time as they ſhall receive the profits ariſing from the ſame as formerly: And that no Proceſs ſhall be iſſued out of any Court whatſoever, againſt the perſons aforeſaid, for their Non-payment of Firſt-Fruits, Tenths, Penſions, or any other the Dues aforeſaid; Any Law or Statute to the contrary in any wiſe notwithſtanding.

— nor to the Penalties for not reading the 39 Articles.

LXXIV. And whereas divers Miniſters have been already ſince the Fire, and may be from time to time preſented and inſtituted; and being ſo, are liable to the Forfeitures of their ſeveral Livings for not Reading the Thirty nine Articles, and for not doing other things enjoyned by Law, in their ſeveral pariſh Churches; Be it enacted by the authority aforeſaid, That all ſuch Miniſters as have been, or ſhall be from time to time preſented and inſtituted ſince the ſaid Fire, be, and are here Indempnified from the ſeveral Penalties and Forfeitures incurred, and to be incurred by, or for not Reading of the Thirty nine Articles, or not doing other things enjoyned by Law as aforeſaid, until ſuch time as the ſaid ſeveral Churches be reedified, or made fit for publick Worſhip.

Incumbents may make Leaſes of Glebe-Lands, which they cannot build, for forty years, without Fine.

No Lapſe, that hath incurr'd, ſhall prejudice the Rights of any Incumbent Inſtituted ſince the Fire.

LXXV. And whereas the ſaid Parſons and Vicars, or ſome of them are intereſſed in ſeveral Glebe-Lands or Grounds, the which they cannot Rebuild themſelves, nor let ſuch Leaſe or Leaſes as may be an Encouragement for others to Rebuild the ſame; Be it enacted by the Authority aforeſaid, That the ſaid Parſons and Vicars, and every of them reſpectively, be impowred, and are hereby impowred to let ſuch Leaſe or Leaſes of their ſaid Glebe-Lands or Grounds, with the conſent and approbation of the Patron or Patrons and Ordinary, for any term not exceeding Forty years, and at ſuch yearly Rents, without Fine, as can be obtained for the ſame: And that no Lapſes incurred upon any Non-preſentation, in due time of any of the Patrons of the ſaid Livings ſince the ſaid Fire, ſhall any ways prejudice or make void the Preſentations that the ſaid Patrons have ſince made, whereupon any Incumbent is ſince Inſtituted and Inducted; Any Law or ſtatute to the contrary in any wiſe notwithſtanding.

All Controverſies, wherein the City of *London* are Parties, ſhall be

LXXVI. Provided always, And it is hereby declared and enacted, That if the Mayor and Commonalty and Citizens of the ſaid City of London, ſhall be concerned in Eſtate or Title in any controverſie or difference, whereof the Determination

is

is by this or the aforeſaid Act referred to the Hearing and Judgment of the ſaid Mayor and Court of Aldermen; That then, and in every ſuch caſe, the Juſtices of the Courts of Kings Bench and Common-pleas, and the Barons of the Coif of the Exchequer for the time being, or any Three or more of them, upon complaint to them made, ſhall be, and are hereby Authoriſed to Hear and finally Order and Determine the ſame; Any thing in this or the aforeſaid Act to the contrary notwithſtanding.

determined by 3 or more of the Juſtices of Kings Bench, and Common Pleas, and Barons of the Exchequer.

22, 23 Car. II. Cap. 15.

An Act for the better Settlement of the Maintenance of the Parſons, Vicars, and Curates, in the Pariſhes of the City of London, *burnt by the late dreadful Fire there.*

Whereas the Tythes in the City of London were levied and paid with great Inequality, and are, ſince the late dreadful Fire there, in the Rebuilding of the ſame, by taking away of ſome Houſes, altering the Foundations of many, and the new Erecting of others, ſo diſordered, that in caſe they ſhould not for the time to come be reduced to a certainty, many Controverſies and Suits of Law might thence ariſe; Be it Enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the annual certain Tythes of all and every Pariſh and Pariſhes within the ſaid City of London and the Liberties thereof, whoſe Churches have been demoliſhed, or in part conſumed, by the late Fire, and which ſaid Pariſhes by vertue of an Act of this preſent Parliament, Entituled, An Additional Act for the Rebuilding of the City of London, Uniting of Pariſhes, and Rebuilding of the Cathedral and Parochial Churches within the ſaid City, remain and continue ſingle, as heretofore they were, or are by the ſaid Act annexed or united into one Pariſh reſpectively, ſhall be as followeth; (That is to ſay) The annual certain Tythes, or Sum of money in lieu of Tythes.

The Tythes of the Churches which were conſumed, whether they be ſingle or united, ſhall be according to the Sums here ſet down;

II. Of the Pariſh of Allhallows Lumbardſtreet; One hundred and ten pounds	cx l.
(2) Of Saint Bartholomew Exchange; One hundred pounds	c l.
(3) Of St. Bridget, *alias* Brides; One hundred and twenty pounds	cxx l.
(4) Of St. Bennet Finck; One hundred pounds	c l.
(5) Of St. Michael Crooked-lane; One hundred pounds	c l.
(6) Of St. Chriſtopher; One hundred and twenty pounds	cxx l.
(7) Of St. Dionys Backchurch; One hundred and twenty pounds	cxx l.
(8) Of St. Dunſtan in the Eaſt; Two hundred pounds	cc l.
(9) Of St. James Garlick Hythe; One hundred pounds	c l.
(10) Of St. Michael Cornhill; One hundred and fourty pounds	cxl l.
(11) Of St. Michael Baſhiſhaw; One hundred thirty and two pounds and eleven ſhillings	cxxxii l. xi s.
(12) Of St. Margaret Lothbury; One hundred pounds	c l.
(13) Of St. Mary Aldermanbury; One hundred and fifty pounds	cl l.
(14) Of St. Martin Ludgate; One hundred and ſixty pounds	clx l.
(15) Of St. Peter Cornhill; One hundred and ten pounds	cx l.
(16) Of St. Stephen Colemanſtreet; One hundred and ten pounds	cx l.
(17) Of St. Sepulchre; Two hundred pounds	cc l.
(18) Of Alhallows Breadſtreet, and St. John Evangeliſt; One hundred and fourty pounds	cxl l.
(19) Of Alhallows the Great, and Alhallows the Leſs; Two hundred pounds	cc l.
(20) Of St. Alban Woodſtreet, and St. Olaves Silverſtreet; One hundred and ſeventy pounds	clxx l.
(21) Of St. Anne and Agnes, and St. John Zachary; One hundred and fourty pounds	cxl l.
(22) Of St. Auguſtine, and St. Faith; One hundred ſeventy and two pounds	clxxii l.
(23) Of St. Andrew Wardrobe, and St. Anne Blackfryers; One hundred fourty pounds	cxl l.
(24) Of St. Antholin, and St. John Baptiſt; One hundred and twenty pounds	cxx l.
(25) Of St. Bennet Gracechurch, and St. Leonard Eaſtcheap; One hundred and fourty pounds	cxl l.
(26) Of St. Bennet Pauls Wharf, and St. Peter Pauls Wharf; One hundred pounds	c l.

(27) Of Chriſt-Church, and St. Leonard Foſter-lane; Two hundred pounds	cc l.
(28) Of St. Edmond the King, and St. Nicolas Acons; One hundred and eighty pounds	clxxx l.
(29) Of St. George Botolph-lane, and St. Botolph Billinſgate; One hundred and eighty pounds	clxxx l.
(30) Of St. Lawrence Jury, and St. Magdalen Milk-ſtreet; One hundred and twenty pounds	cxx l.
(31) Of St. Magnus, and St. Margaret New Fiſhſtreet; One hundred and ſeventy pounds	clxx l.
(32) Of St. Michael Royal, and St. Martin Vintry; One hundred and fourty pounds	cxl l.
(33) Of St. Matthew Friday-ſtreet; and St. Peter Cheap; One hundred and fifty pounds	cl l.
(34) Of St. Margaret Pattens, and St. Gabriel Fenchurch; One hundred and twenty pounds	cxx l.
(35) Of Saint Mary at Hill, and St. Andrew Hubbard; Two hundred pounds	cc l.
(36) Of St. Mary Woolnoth, and St. Mary Woolchurch; One hundred and ſixty pounds	clx l.
(37) Of St. Clement Eaſtcheap, and St. Mortin Orgars; One hundred and fourty pounds	cxl l.
(38) Of St. Mary Abchurch, and St. Lawrence Pountney; One hundred and twenty pounds	cxx l.
(39) Of St. Mary Aldermary, and St. Thomas Apoſtle; One hundred and fifty pounds	cl l.
(40) Of St. Mary le Bow, St. Pancras Soper-lane, and Alhallows Honey-lane; Two hundred pounds	cc l.
(41) Of St. Mildred Poultry, and St. Mary Cole-Church; One hundred and ſeventy pounds	clxx l.
(42) Of St. Michael Woodſtreet, and St. Mary Staining; One hundred pounds	c l.
(43) Of St. Mildred Bread ſtreet, and St. Margaret Moſes; One hundred and thirty pounds	cxxx l.
(44) Of St. Michael Queenhyth, and Trinity; One hundred and ſixty pounds	clx l.
(45) Of St. Magdalen Old Fiſh-ſtreet, and St. Gregory; One hundred and twenty pounds	cxx l.
(46) Of St. Mary Somerſet, and St. Mary Mounthaw; One hundred and ten pounds	cx l.
(47) Of St. Nicholas Cole-Abby, and St. Nicholas Olaves; One hundred and thirty pounds	cxxx l.
(48) Of St. Olave Jury, and St. Martin Ironmonger-lane; One hundred and twenty pounds	cxx l.
(49) Of St. Stephen Walbrook, and St. Bennet Sheerhog; One hundred pounds	c l.
(50) Of St. Swithin, and St. Mary Bothaw; One hundred and fourty pounds	cxl l.
(51) Of St. Vedaſt, alias Foſters, and St. Michael Quern; One hundred and ſixty pounds	clx l.

—which (with the Glebe, Perquiſites, and Bequeſts) ſhall be the maintenance of the reſpective Incumbents;

III. Which reſpective Sums of Money to be paid in lieu of Tithes within the ſaid reſpective Pariſhes, and aſſeſſed as herein after is directed, ſhall be, and continue to be eſteemed, deemed and taken to all intents and purpoſes, to be the reſpective certain Annual Maintenance (over and above Glebes and Perquiſites, Gifts and Bequeſts to the reſpective Parſon, Vicar and Curate of any Pariſh for the time being, or to his or their reſpective Succeſſors, or to other Perſons for his or their uſe) of the ſaid reſpective Parſons, Vicars and Curates, who ſhall be legally inſtituted, inducted and admitted into the reſpective Pariſhes aforeſaid.

—and ſhall be aſſeſſed upon Houſes, Shops, *&c.* in the method, and by the time, here appointed;

IV. And that the ſaid ſeveral Sums of Money for Tithes, may be more equally aſſeſſed upon the ſeveral Houſes, Buildings, and other Hereditaments whatſoever, within all the ſaid reſpective Pariſhes; Be it enacted by the Authority aforeſaid, That the Alderman of ſuch reſpective Ward or Wards within the ſaid City, wherein any of the ſaid Pariſhes reſpectively lie, and his or their Deputy or Deputies, and the Common-council-men of ſuch reſpective Ward or Wards, with the Churchwardens, and one or more of the Pariſhioners of ſuch reſpective Pariſh, wherein the Maintenance aforeſaid is reſpectively to be aſſeſſed, to be nominated by ſuch reſpective Alderman, Deputy, Common-council-men, and Churchwardens, or any five of them, whereof

whereof the Alderman or his Deputy to be one; ſhall at ſome convenient and ſeaſonable time before the twentieth day of May, in the year of our Lord God, One thouſand ſix hundred and ſeventy one, aſſemble and meet together in ſome convenient place within every of the reſpective Pariſhes, in ſuch reſpective Ward wherein the Maintenance aforeſaid is to be aſſeſſed, And they or the major part of them ſo aſſembled, ſhall proportionably aſſeſs upon all Houſes, Shops, Ware-houſes and Cellars, Wharfs, Keys, Cranes, Water-houſes, (which Water-houſes ſhall pay in their reſpective Pariſhes where they ſtand, and not elſewhere) and Tofts of Ground (remaining unbuilt) and all other Hereditaments whatſoever (except Parſonage and Vicarage Houſes) the whole reſpective Sum by this Act appointed, or ſo much of it as is more than what each Impropriator is by this Act enjoyned reſpectively to allow, in the moſt equal way that the ſaid Aſſeſſors, according to the beſt of their Judgments, can make it; which ſaid Aſſeſſments ſhall be made and finiſhed before the four and twentieth day of July then next enſuing.

V. And be it farther enacted by the authority aforeſaid, That if any variance or doubt ſhall happen or ariſe about any ſum ſo aſſeſſed, as aforeſaid, or that any Pariſhioner or Pariſhioners, or Owner or Owners of any Houſe, ſhop, Warehouſe or Cellar, Wharf, Key, Crane, Water-houſe, Toft of Ground, or other Hereditament, within any the ſaid pariſhes, ſhall find himſelf or themſelves agrieved by the aſſeſſing of any ſum or ſums of Money, in manner and form aforeſaid, That then upon complaint made by the party or parties agrieved, to the Lord Mayor and Court of Aldermen of the ſaid City, within fourteen days after notice given to the party or parties aſſeſſed, of ſuch Aſſeſſments made, the ſaid Lord Mayor and Court of Aldermen ſummoning as well the party or parties agrieved, as the Alderman and ſuch others as made the Aſſeſſment, ſhall hear and determine the ſame in a ſummary way, and the Judgment by them given ſhall be final, and without Appeal.

—concerning which aſſeſſments, if any Diſputes ariſe, they ſhall be determined by the Lord Mayor and Court of Aldermen;

VI. Provided always, and be it enacted, That any Aſſeſſment or Rate to be made or laid by vertue of this Act, ſhall or may in all or any the Pariſhes aforeſaid, in like manner be reviewed, or altered, or laid again, within three Months after the twenty fourth day of June, One thouſand ſix hundred and ſeventy four, according to the aforeſaid Rules; and any ſuch Aſſeſſment or Rate, ſhall or may be again reviewed, or re-aſſeſſed, within three Months after the twenty fourth day of June, in the year of our Lord, One thouſand ſix hundred eighty one; And that all and every ſuch new Aſſeſſment and Rate ſhall be liable to the like Appeals, as aforeſaid, and ſhall be collected, levied and paid, as any other Aſſeſſment or Rate mentioned in this Act, may or ought to be.

—and they may be reviewed and altered, in the year 1674, and the year 1681.

VII. And if the ſaid Alderman, Deputy, Common-council-men, and Pariſhioner or Pariſhioners appointed, as aforeſaid, ſhall, after ſummons and requeſt made in that behalf unto them, by the Lord Mayor and Court of Aldermen, or the Incumbent or Incumbents of any of the ſaid reſpective Pariſh or Pariſhes, refuſe and neglect to meet and make ſuch Aſſeſſments, as aforeſaid, Then it ſhall and may be lawful to, and for ſuch perſon or perſons as ſhall be thereunto authorized and required by the ſaid Lord Mayor and Court of Aldermen, to make ſuch Aſſeſſment, as by the ſaid Aldermen, Deputy, Common-council-men, Church-wardens, Pariſhioner or Pariſhioners aforeſaid, ſhould or ought to have been made.

In caſe the Perſons hereby appointed to make the Aſſeſſments, refuſe or neglect, the Lord Mayor and Court of Aldermen may appoint others.

VIII. And be it farther enacted by the authority aforeſaid, That the ſaid Aſſeſſors within ten days after ſuch Aſſeſſments made, and the reſpective Appeals (if any be) determined, ſhall make three Tranſcripts thereof in Parchment, containing the reſpective ſums to be payable, or appointed to be paid out of all and every the Premiſſes within ſuch reſpective Pariſh, and ſubſcribe the ſame under their Hands, and within twenty days after ſuch ſubſcription as aforeſaid, one of the ſaid Tranſcripts ſhall be returned to the Lord Mayor of the City of London, to be kept and preſerved by the ſaid Lord Mayor, in and among the Records of the ſaid City, for a perpetual memorial thereof; And another of the ſaid Tranſcripts ſhall be returned into the Regiſtry of the Lord Biſhop of London, to be kept and preſerved, as aforeſaid; And the other of the ſaid Tranſcripts ſhall remain and be kept in the Veſtry of ſuch reſpective pariſh, for a perpetual memorial, as aforeſaid.

Tranſcripts of the Aſſeſſments, ſhall be preſerved, 1. Among the City-Records. 2. In the Regiſtry of *London*. 3. In the Pariſh-Veſtry;

IX. And for the ſurer and better payment of the ſaid reſpective ſums of Money ſo to be aſſeſſed and taxed towards the raiſing of the ſaid Maintenance of the reſpective Parſons, Vicars and Curates of the ſaid reſpective Pariſhes, as aforeſaid, Be it farther enacted by the authority aforeſaid, That all and every ſuch reſpective ſum and ſums of Money ſo to be aſſeſſed and taxed, as aforeſaid, towards the raiſing of the ſaid Maintenance of the ſaid reſpective Parſons, Vicars and Curates, of the ſaid reſpective Pariſhes, ſhall be paid to the ſaid reſpective Parſons, Vicars and Curates, and their ſucceſſors reſpectively, at the four moſt uſual Feaſts, (that is to ſay, at the Annunciation of the bleſſed Virgin Mary, the Nativity of St. John Baptiſt, the Feaſt of St. Michael the Archangel, and the Nativity of our Bleſſed Saviour,) or within fourteen days after each of the Feaſts aforeſaid, by equal pay-

—and the Money aſſeſſed ſhall be paid at the four uſual Feaſts.

ments; The reſpective payments thereof to begin and commence only from ſuch time and times as the Incumbent or Incumbents of ſuch reſpective Pariſh ſhall begin to officiate or preach as Incumbent or Parſon in the reſpective Church belonging to the reſpective Pariſh, or in ſome other convenient place or places in ſuch reſpective Pariſh or Pariſhes, to be nominated or appointed by the Lord Biſhop of London for the time being, or by the Archbiſhop of Canterbury, in any place within his Peculiars.

Impropriators ſhall pay what they have uſed to pay, — which ſhall be part of the Maintenance.

X. And in any Pariſh or Pariſhes where any Impropriations be, Be it enacted by the Authority aforeſaid, That all and every the Impropriator or Impropriators of any of the ſaid Pariſhes, ſhall pay and allow what really, and bona fide, they have uſed, and ought to pay and ſatisfie to the reſpective Incumbent of ſuch reſpective Pariſh, at any time before the ſaid late Fire, and the ſame ſhall be eſteemed and computed as part of the maintenance of ſuch Incumbent; notwithſtanding this Act, or any Clauſe or Matter, or thing therein contained.

If any Inhabitant refuſe to pay according to this Act, — the Ld. Mayor may grant his Warrant to the Collector, to levy it by diſtreſs.

XI. And be it farther enacted by the Authority aforeſaid, That if any the Inhabitants in any reſpective Pariſh or Pariſhes as aforeſaid, ſhall, or do refuſe or neglect to pay to the reſpective Incumbents aforeſaid, of any of the ſaid reſpective Pariſhes, any ſum or ſums of Money to him reſpectively payable, or appointed to be paid by this Act, or any part thereof, contrary to the true intent and meaning of this Act, (being lawfully demanded at the Houſe or Houſes, Wharf, Key, Crane, Cellar or other Premiſſes whereout the ſame is payable) That then it ſhall and may be lawful to and for the Lord Mayor of the City of London for the time being, upon oath to be made before him of ſuch refuſal or neglect, to give and grant out Warrants for the officer or perſon appointed to collect the ſame, with the aſſiſtance of a Conſtable, in the day-time, to levy the ſame Tythes or ſums of Money ſo due, and in arrear and unpaid, by Diſtreſs and ſale of the Goods of the party or parties ſo refuſing or neglecting to pay, reſtoring to the owner or owners, the overplus of ſuch Goods, over and above the ſaid Arrears of the ſaid Monies ſo due and unpaid, and the reaſonable Charges of making ſuch Diſtreſs, which he is to deduct out of the Monies raiſed by ſale of ſuch Goods.

The Ld. Mayor or Court of Aldermen, neglecting or refuſing to execute the Powers granted by this Act, — they ſhall be executed by the Ld. Chancellor, or by two or more of the Barons of the Exchequer.

XII. Provided always, and be it enacted, That in caſe the Lord Mayor, or Court of Aldermen ſhall refuſe or [b] neglect to execute any of the reſpective powers to them by this Act granted, or to perform all and every ſuch thing relating either to the aſſeſſing or levying of the reſpective ſums aforeſaid, as they are by this Act authorized and required to perform; That then it ſhall and may be lawful for the Lord Chancellor, or Lord Keeper of the Great Seal of England for the time being, or any two or more of the Barons of his Majeſties Court of Exchequer, by Warrant or Warrants under his or their reſpective hands and ſeals, to do and perform what the ſaid Lord Mayor and Court of Aldermen, according to the true intent or meaning of this preſent Act, might or ought to have done, and by ſuch Warrant either to impower any perſon or perſons to make the reſpective Aſſeſſments, as aforeſaid, or to authorize the reſpective Officers or perſons appointed to collect the ſums aforeſaid, to levy the ſame by Diſtreſs and ſale of the Goods of any perſon or perſons that ſhall refuſe or neglect to pay the ſame in manner and form aforeſaid.

Pariſhes united having become vacant ſince the Fire, the remaining Incumbent ſhall recover the Tythes, as if Inſtituted.

XIII. Provided always, and be it enacted, That where any of the Pariſhes within the ſaid City, have, ſince the late Fire, by Death or otherwiſe, become vacant, the ſurviving or remaining Incumbent of the other Pariſh thereto united, or therewith conſolidated, ſhall have and enjoy, and have like remedy to recover the Tithes hereby ſetled to be paid, as if he had been actually preſented, admitted, inſtituted, and inducted into both the ſaid Pariſhes, ſince the Union and Conſolidation thereof.

Cauſes of Tythes in *London* ſhall not be cogniſable in any *other* Court.

XIV. Provided always, That no Court or Judge Eccleſiaſtical or Temporal, ſhall hold Plea of, or for any ſum or ſums of Money due and owing, or to be paid by vertue of this Act, or any part thereof, other then the perſons hereby authorized to have Cognizance thereof: Nor ſhall it be lawful to or for any Parſon, Vicar, Curate or Incumbent, to convent or ſue any perſon or perſons aſſeſſed as aforeſaid, and refuſing or neglecting to pay the ſame in any Court or Courts, or before any Judge or Judges, other than what are authorized and appointed by this Act, for the hearing and determining of the ſame, in manner aforeſaid.

Minor Canons of St. *Pauls* may receive the Tythes of St. *Gregories*, as before.

XV. Provided always, That it ſhall and may be lawful to and for the Warden and Minor Canons of St. Pauls Church, London, Parſon and Proprietors of the Rectory of the Pariſh of St. Gregory aforeſaid, to receive and enjoy all Tithes, Oblations and Duties ariſing or growing due within the ſaid Pariſh, in as large and beneficial manner as formerly they have, or lawfully might have done; any thing herein to the contrary notwithſtanding.

Skinner, p. 216.

[b] **Neglect.**] Suppoſe the rate of a whole Pariſh ſhould be laid upon one man, and the Lord Mayor confirm it; the laſt appeal in that caſe would be to the Lord Chancellor.

A.D.1714.

1 Georg. I.

An Act for making Proviſion for the Miniſters of the Fifty New Churches, which are to be Built in and about the Cities of London *and* Weſtminſter, *and Suburbs thereof; And for Rebuilding and Finiſhing the Pariſh Church of Saint* Mary Woolnoth *in the ſaid City of* London.

MOST Gracious Sovereign, Whereas by an Act of Parliament made in the Ninth Year of the Reign of her late Majeſty Queen Anne, Intituled, An Act for Granting to Her Majeſty ſeveral Duties upon Coals, for Building Fifty New Churches in and about the Cities of *London* and *Weſtminſter*, and Suburbs thereof, and other Purpoſes therein mentioned, It was Enacted, That for all ſorts of Coals and Culm, which from and after the Fourteenth Day of May, One thouſand ſeven hundred and ſixteen, and before the Nine and twentieth Day of September, One thouſand ſeven hundred and twenty four, ſhould be Imported and Brought into the Port of the City of London, or the River of Thames, within the Liberty of the ſaid City upon the ſame River, there ſhould be paid to Her ſaid late Majeſty, Her Heirs and ſucceſſors, by way of Impoſition thereupon, over and beſides all other Impoſitions and Duties, according to the Rates therein and herein after mentioned; That is to ſay, From and after the ſaid Fourteenth Day of May, One thouſand ſeven hundred and ſixteen, and before the Nine and twentieth Day of September, One thouſand ſeven hundred and ſixteen, for all ſuch ſorts of Coals and Culm as are uſually ſold by the Chalder, for every Chalder thereof, containing Thirty ſix Buſhels Wincheſter Meaſure, the ſum of Two ſhillings; And for ſuch ſort of Coals as are ſold by the Tun, for every Tun thereof, containing Twenty hundred Weight, the ſum of Two ſhillings; And from and after the Eight and twentieth Day of September, One thouſand ſeven hundred and ſixteen, and before the Eight and twentieth Day of September, One thouſand ſeven hundred and twenty four, there ſhould be paid for every ſuch ſaid Chalder of Coals and Culm, and Tun of Coals, the ſum of Three ſhillings, the ſame to be Raiſed, Levied, Collected, and Paid to Her ſaid late Majeſty, Her Heirs and ſucceſſors, as therein is mentioned: And it is thereby further Enacted, That all and every ſuch ſum and ſums of Money, which ſhould be Raiſed, Collected, and Levied, by Virtue of that Act (the neceſſary Charges of Raiſing, Managing, and Accounting for the ſame, excepted) ſhould, from time to time, be brought and paid into the Receipt of Exchequer, and by Force and Virtue of that Act were and ſhould be Appropriated, Iſſued, Applied and Diſpoſed, for the Building of Fifty New Churches of ſtone and other proper Materials, with Towers or ſteeples to each of them; whereof One was by the ſaid Act directed to be Erected in the Pariſh of Eaſt-Greenwich in the County of Kent; and for Purchaſing of ſcites of Churches, and Church-Yards, and Burying-Places, in or near the Cities of London and Weſtminſter, or the ſuburbs thereof; and for making ſuch Chapels, Churches, as were then already Built and capable thereof, Pariſh-Churches, and for Purchaſing Houſes for the Habitations of the Miniſters of the ſaid churches; and for applying the ſum of four thouſand Pounds per Annum, out of the ſaid Duties and Impoſitions, towards the repairing and finiſhing the collegiate church of Saint Peter Weſtminſter, and the chapels of the ſame; and alſo for applying the ſum of ſix thouſand Pounds per Annum out of the ſaid Duties and Impoſitions ariſing by that Act, towards the finiſhing Greenwich-Hoſpital, and the chapels thereunto belonging, and to and for none other Uſe, Intent, or Purpoſe whatſoever: And it was thereby further Enacted, That it ſhould and might be Lawful, to and for Her ſaid late Majeſty, by Letters Patents under the Great ſeal of Great Britain, to nominate conſtitute and appoint ſuch Perſons as Her ſaid late Majeſty ſhould think fit to be commiſſioners for the purpoſes in that Act mentioned; which ſaid commiſſioners or ſo many of them as ſhould by the ſaid commiſſion be authorized, are by the ſaid Act directed to enquire and inform themſelves, in what Pariſhes the ſaid new churches (except that for Greenwich) were moſt neceſſary to be Built, and of proper Places for the ſcites of the ſaid reſpective new churches, and alſo a cemetery or church-yard for each of the ſaid churches, for the burial of chriſtian people, to be purchaſed; and alſo which of the ſaid chapels were fit to be made pariſh churches; and to aſcertain the ſeveral Houſes, Lands, Tenements, and Hereditaments, and the Bounds and Limits which in their Judgment or Opinion might be fit to be made diſtinct Pariſhes; and to enquire and inform themſelves, by the beſt Means they could, of the Value of ſuch Houſes, Lands, Tenements, and Hereditaments, and of the reſpective Eſtates and Intereſts therein, which they ſhould think neceſſary to be purchaſed for the ſaid ſcites and cemeteries, and for Houſes for the Habitations of the reſpective Miniſters; and the ſaid Commiſſioners were by the ſaid Act required, on or before the four and twentieth Day of December, One thouſand ſeven hundred and eleven, to report or certifie to Her ſaid late Majeſty in Wri-

Recital of the Act, 9 *Annæ*,

—for laying a Duty upon Coal and Culm, imported into the Port of *London*, &c.

—to be paid into the Exchequer,

—and iſſued, for the building of 50 new Churches;

—and for making Chapels, Pariſh-Churches;

—and for purchaſing Parſonage-Houſes;

—and for finiſhing *Weſtminſter*-Abbey and *Greenwich* Hoſpital;

—for which Ends the Queen was impower'd to appoint Commiſſioners,

—who ſhould inform themſelves, where Churches were neceſſary, and of proper ſcites;

—and of the value of Lands, for Churches and Church-yards, and the bounds of Pariſhes;

—and to certify theſe things to the Queen and Parliament.

Alſo, a Recital of the Act, 10 *Ann.*

—which ſets forth, that Commiſſioners had been appointed, but were not able to perfect their work within the time limited,

—and therefore gives further time, till they ſhould have finiſhed;

—and empowers her Majeſty to appoint Commiſſioners,

—which ſhe accordingly did.

For maintenance of the Miniſters who are to officiate in the New Churches,

—a new Impoſition ſhall be laid upon Coals and Culm, brought into the Port of *London*, or the River of *Thames*,

—*viz.* 3 *s.* per Chaldron, and Tun,

—to be levied by the Rules mentioned in the ſtatutes

ting, under their hands and ſeals, ſuch Matters and Things as ſhould appear to them upon their Enquiries aforeſaid, with their Opinions thereupon, and preſent a Duplicate of ſuch Report or Certificate to each of the Two Houſes of Parliament, to the end ſuch further Directions might be given thereupon, as might be purſuant to Her ſaid late Majeſties Pious Intentions in the Premiſſes: And whereas by One other Act of Parliament, made in the Tenth Year of Her ſaid late Majeſties Reign, Intituled, An Act for Enlarging the Time given to the Commiſſioners Appointed by Her Majeſty, purſuant to an Act for Granting to Her Majeſty ſeveral Duties on Coals, for Building Fifty New Churches in and about the Cities of *London* and *Weſtminſter* and Suburbs thereof, and other Purpoſes therein mentioned; and alſo for giving the ſaid Commiſſioners further Powers for better Effecting the ſame; and for appointing Monies for Rebuilding the Pariſh-Church of St. *Mary Woolnoth* in the City of *London*: reciting therein in part the ſaid recited Act, and that in purſuance thereof Her ſaid late Majeſty, by Letters Patents under the Great ſeal of Great Britain, did Nominate, Conſtitute, and Appoint ſeveral Commiſſioners for the purpoſes in the ſaid Firſt recited Act mentioned, with ſuch Powers and Authorities as in the ſame Act are expreſſed; and further reciting, that the ſaid Commiſſioners did Apply themſelves to the Execution of the Powers therein mentioned, but could not perfect within the time Limited what was by the ſaid Act intended; It was therefore Enacted by the ſaid Act of the Tenth Year of the Reign of Her ſaid late Majeſty, That, notwithſtanding the time Limited by the ſaid Letters Patent was expired, it ſhould and might be Lawful, to and for the ſaid Commiſſioners ſo Appointed by the ſaid Letters Patent, or any Five or more of them, and they were thereby Authorized and Required to Meet, from time to time, as often as there ſhould be Occaſion, either with or without Adjournments, and to Enquire and Inform themſelves of all and every the Matters and Things therein Committed to them, or any Five or more of them, in or by the ſaid Firſt recited Act, or by that preſent Act intended to be by them performed, until they ſhould have Completed and Finiſhed the ſame: And it was thereby further Provided and Enacted, That it ſhould and might be Lawful, to and for Her ſaid late Majeſty, Her Heirs and Succeſſors, at any time before the Twenty ninth Day of September, One thouſand ſeven hundred and twelve, by Letters Patent under the Great Seal of Great Britain, to Nominate, Conſtitute, and Appoint ſuch Perſons to be Commiſſioners to Execute all and every the Powers in the ſaid ſeveral Acts mentioned, as Her ſaid late Majeſty ſhould think fit; and from ſuch Appointment ſo made, the Powers granted by the ſaid Act of the Tenth Year of the Reign of Her ſaid late Majeſty, to the Commiſſioners in the former Letters Patent, ſhould determine: And whereas Her ſaid late Majeſty did, in purſuance of the ſaid laſt recited Act, by Letters Patent under the Great Seal of Great Britain, bearing Date on or about the Seven and twentieth Day of September, One thouſand ſeven hundred and twelve, Nominate, Conſtitute, and Appoint ſeveral Perſons to be Commiſſioners for the Purpoſes in the ſaid recited Acts mentioned; and that they, or any Five or more of them, ſhould Do, Perform, and Execute all and every the Powers, Matters, and Things in and by the ſaid recited Acts, and either of them, appointed to be Done and performed: We Your Majeſties moſt Dutiful and Loyal Subjects, the Commons of Great Britain in Parliament Aſſembled, being zealous to provide ſuch Supplies as may Enable Your Majeſty to purſue Your Pious and Gracious Intentions, to provide for the Maintenance of the Miniſters who are to attend the Service of God in the New Churches to be erected, purſuant to the ſaid recited Acts of Parliament, in or about the Cities of London and Weſtminſter, and Suburbs thereof, for the Honour of the Church of England, and the Advancement of our Holy Religion, do moſt humbly preſent to your Majeſty the ſeveral Impoſitions, Rates and Duties herein after mentioned, and do beſeech your Majeſty, That it may be Enacted; And be it Enacted by the Kings moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That for all ſort of Coals and Culm which, from and after the Twenty ſeventh Day of September, One thouſand ſeven hundred and twenty four, and before the Twenty eighth Day of September, One thouſand ſeven hundred and twenty five, ſhall be imported and brought into the Port of the City of London, or the River of Thames, within the Liberty of the ſaid City upon the ſame River, there ſhall be paid to his Majeſty, his Heirs and Succeſſors, by way of Impoſition thereupon, over and beſides all other Impoſitions and Duties, according to the Rates hereafter mentioned, that is to ſay, for all ſuch ſorts of Coals and Culm as are uſually ſold by the Chalder, for every Chalder thereof, containing Thirty ſix Buſhels, Wincheſter Meaſure, the Sum of Three Shillings; and for ſuch ſort of Coals as are ſold by the Tun, for every Tun thereof, containing Twenty hundred Weight, the ſum of Three ſhillings: Which ſaid reſpective Sums of Three ſhillings for every Chalder of Coals and Culm, and Tun of Coals, ſhall, from time to time, during the Term before-mentioned, be raiſed, levied, collected, and paid

to

to his Majeſty, his Heirs, and Succeſſors, in the ſame Manner, Method, and Form, and at ſuch Places, and by ſuch Rules, Ways, and Means, and under ſuch Penalties and Forfeitures, as are mentioned, expreſſed, and referred unto, in and by any Act, Law, or Statute, Acts, Laws, or Statutes now in Force, for raiſing, levying, collecting, or anſwering any other Duty or Duties now payable to his Majeſty for or upon any Coals or Culm whatſoever, imported or brought Coaſtwiſe into the ſaid Port of London; and that all and every the Powers, Authorities, Penalties, Forfeitures, Diſabilities, Articles, Rules, and Clauſes, in the ſame Acts, Laws, and Statutes, or any of them, mentioned or contained (except ſuch and ſo much of them for and concerning which it is otherwiſe Provided in this preſent Act) ſhall be of ſuch Force and Effect, to all Intents and Purpoſes, for the Raiſing, Levying, Collecting, and Anſwering the Impoſitions hereby Granted, for and during the ſaid Term herein before limited, as if the ſame were particularly and at large Set down and Enacted by this Act.

already made, for the Coal-duties;

—which ſhall be of as much force, as if particularly ſet down in this Act.

And be it further Enacted by the Authority aforeſaid, That all and every ſuch Sum and Sums of Money, which ſhall be Raiſed, Collected, and Levied, by Virtue of this Act (the neceſſary Charges of Raiſing, Managing, and Accounting for the ſame excepted) ſhall, from time to time, be brought and paid into the Receipt of Exchequer, and by Force and Virtue of this Act, are and ſhall be Appropriated for and towards the Providing due Maintenances for the Miniſters to Attend the Service of God in the New Churches to be Erected in and about the Cities of London and Weſtminſter, and ſuburbs thereof, purſuant to the ſaid recited Acts of Parliament, and ſhall for that purpoſe be Iſſued, Applied, and Diſpoſed, in ſuch manner as ſhall hereafter be directed by Parliament.

The Monies levied, ſhall be paid into the Exchequer,

—for maintenance of the Miniſters of the New Churches.

Provided, That this Act, or any thing therein contained, ſhall not extend, or be conſtrued to extend to Charge or Lay any of the Duties or Impoſitions hereby Impoſed upon ſuch Coals, (not exceeding One hundred Chalders by the Year) as ſhall be brought into the Port of London from New-Caſtle upon Tyne, or any other Place, for the only Uſe and Service of the Royal Hoſpital at Chelſea; Any thing herein contained to the contrary notwithſtanding.

The Hoſpital of *Chelſea* may import 100 Chaldrons *per Annum*, free of this Duty.

And be it further Enacted by the Authority aforeſaid, That it ſhall and may be Lawful, to and for his Majeſty, his Heirs and Succeſſors, by Letters Patent under the Great Seal of Great Britain, from time to time, to nominate, conſtitute and appoint ſuch Perſons as his Majeſty, his Heirs and Succeſſors, ſhall think fit, to be Commiſſioners, who, or any five or more of them, ſhall have Power to execute all and every the Powers, Matters, and Things, in and by the ſaid recited Acts, or either of them, appointed to be done and performed; Any thing in the Acts before recited, or in any other Act or Acts to the contrary notwithſtanding: And alſo to enquire and inform themſelves in what manner, by and out of the Duties hereby granted, and otherwiſe, a due Maintenance may be provided and ſettled for the Miniſters who are to attend the Service of God in the ſaid New Churches, to be erected and built in and about the Cities of London and Weſtminſter, and Suburbs thereof; Which ſaid Commiſſioners, or any five or more of them, ſhall, on or before the Twenty fifth Day of March One thouſand ſeven hundred and ſixteen, report, or certifie to his Majeſty, his Heirs and Succeſſors, in Writing under their Hands and Seals, ſuch Matters and Things as ſhall appear to them upon their Enquiries, as aforeſaid, with their Opinions thereupon, and preſent a Duplicate of ſuch Report or Certificate, to each of the Two Houſes of Parliament, to the end ſuch further Directions may be given thereupon, as may be purſuant to his Majeſties Pious Intentions in the Premiſſes; and from ſuch Appointment of New Commiſſioners ſo to be made, the Powers Granted to, or Veſted in the Commiſſioners in the ſaid laſt recited Letters Patent named, ſhall determine; But nevertheleſs all Contracts and Agreements, which were made and perfected by the ſaid Commiſſioners, in the ſaid laſt recited Letters Patent named, on or before the Twentieth Day of Auguſt One thouſand ſeven hundred and fifteen, ſhall be of the ſame force and effect as they would have been if this preſent Act had not been made.

The King may appoint Commiſſioners, from time to time, to execute the Powers in the foreſaid Acts;

—and to enquire how a maintenance may be beſt provided for the ſaid Miniſters, out of the ſaid Revenue;

—a Report of which ſhall be laid before the Parliament.

From the Appointment of a new Commiſſion, the former Powers ſhall determine, but the Contracts ſhall remain in force.

And whereas the Proviſion made by the ſaid recited Act of the Tenth Year of her ſaid late Majeſties Reign, for Rebuilding the Pariſh-Church of Saint Mary Woolnoth *London*, is at preſent ineffectual, by reaſon of the great Charges and Incumbrances upon the Duty and Revenue from which the ſaid Proviſion was to Iſſue; And it is abſolutely neceſſary that the ſaid Church ſhould be immediately Rebuilt: Be it therefore Enacted by the Authority aforeſaid, That the ſaid Pariſh-Church of Saint Mary Woolnoth, and the Tower thereof, ſhall be Rebuilt and finiſhed in ſuch manner as the ſaid Commiſſioners already authorized, or the Commiſſioners to be authorized by Virtue of this Act, ſhall direct, out of the Duties granted by the ſaid recited Act of the ninth Year of her ſaid late Majeſties Reign; And that the Monies to be imployed for that purpoſe ſhall be replaced and made good out of, and by the Monies applicable by Virtue of the ſaid Act of the Tenth Year of her ſaid late Majeſties Reign, to the rebuilding and finiſhing the ſaid Church, and the Tower thereof.

There being need to rebuild the Church of St. *Mary Woolnoth*, preſently,

—it ſhall be rebuilt out of the Duties granted, 9 *Annæ*,

—and the Monies made good out of the fund, 10 *Annæ*.

SUPPLEMENT,

CONTAINING

CERTAIN ACTS OF PARLIAMENT

RELATIVE TO

ECCLESIASTICAL MATTERS;

WHICH

Have either been omitted in their Places by the Author, or been enacted ſince he prepared the preſent Edition for the PRESS.

SUPPLEMENT
CONTAINING
CERTAIN ACTS OF PARLIAMENT
RELATIVE TO
ECCLESIASTICAL MATTERS.

TIT. IV.
ORDERS of MINISTERS in the Church of *England*, and the Forms of CONSECRATION and ORDINATION in general.

CAP. II.
The Forms of CONSECRATING *and* ORDAINING, *Alter'd and Eſtabliſhed in the* Church of England.

Pag. 100, *after Stat.* 1 *Mar.* (*Seſſ.*2.) *Cap.* 2. *inſert,*

A.D.1604. 1 & 2 Jac. I. Cap. 25.

In an Act, Entituled, *An Act for the continuing and reviving of divers Statutes, and for repealing of ſome others.*

XLVIII. And be it further enacted by the Authority of this preſent Parliament, That an Act made in the firſt Year of the Reign of Queen Mary, entituled, An Act for the Repeal of certain Statutes made in the Time of King Edward the Sixth, ſhall ſtand repealed and void.

Repeal of the foregoing Statute.

TIT. VIII.
CATHEDRAL and COLLEGIATE CHURCHES, of the OLD and NEW FOUNDATION.

CAP. II.
RESIDENCE *of Deans and Prebendaries at Cathedral and Collegiate Churches.*

Pag. 173, *after Stat.* 2 *Annæ*, *Cap.* 1. *to* 3 *Georg'*. *Cap.* 3. *inſert,*

and every Year ſince.

TIT. IX.

PAROCHIAL CHURCHES and CHAPELS, with the proper OFFICERS thereunto belonging.

CAP. VII.

REGISTERS *in Churches and Chapels.*

Pag. 206. *inſert,*

26 Georg. II. Cap. 33.

A.D. 1753.

In an Act, Entituled, *An Act for the better preventing of clandeſtine Marriages.*

Churchwardens to provide proper Books in which are to be regiſtred all Marriages and Banns ſolemnized and publiſhed;

XIV. And for preventing undue Entries and Abuſes in Regiſters of Marriages; be it enacted by the Authority aforeſaid, That on or before the Twenty fifth Day of March, in the Year One thouſand ſeven hundred and fifty four, and from time to time afterwards, as there ſhall be Occaſion, the Churchwardens and Chapelwardens of every Pariſh or Chapelry ſhall provide proper Books of Vellum, or good and durable Paper, in which all Marriages and Banns of Marriage reſpectively, there publiſhed or ſolemnized, ſhall be regiſtered, and every Page thereof ſhall be marked at the Top, with the Figure of the Number of every ſuch Page, beginning at the Second Leaf with Number One; and every Leaf or Page ſo numbered, ſhall be ruled with Lines at proper and equal Diſtances from each other, or as near as may be; and all Banns and Marriages publiſhed or celebrated in any Church or Chapel, or within any ſuch Pariſh or Chapelry, ſhall be reſpectively entered, regiſtered, printed, or written upon, or as near as conveniently may be to ſuch ruled Lines, and ſhall be ſigned by the Parſon, Vicar, Miniſter, or Curate, or by ſome other perſon in his preſence, and by his Direction; and ſuch Entries ſhall be made as aforeſaid, on or near ſuch Lines in ſucceſſive Order, where the Paper is not damaged or decayed by Accident or Length of Time, until a new Book ſhall be thought proper or neceſſary to be provided for the ſame purpoſes, and then the Directions aforeſaid ſhall be obſerved in every ſuch new Book; and all Books provided as aforeſaid, ſhall be deemed to belong to every ſuch Pariſh or Chapelry reſpectively, and ſhall be carefully kept and preſerved for publick Uſe.

—the ſame to be ſigned by the Miniſter;

—and the Books to belong to the Pariſh, and to be kept for publick Uſe.

XV. And in order to preſerve the Evidence of Marriages, and to make the proof thereof more certain and eaſy, and for the Direction of Miniſters in the Celebration of Marriages and regiſtering thereof, be it enacted, That from and after the Twenty fifth Day of March, in the Year One thouſand ſeven hundred and fifty four, all Marriages ſhall be ſolemnized in the Preſence of Two or more credible Witneſſes, beſides the Miniſter who ſhall celebrate the ſame; and that immediately after the Celebration of every Marriage, an Entry thereof ſhall be made in ſuch Regiſter to be kept as aforeſaid; in which Entry or Regiſter it ſhall be expreſſed, That the ſaid Marriage was celebrated by Banns, or Licence; and if both or either of the Parties married by Licence, be under Age, with Conſent of the Parents or Guardians, as the Caſe ſhall be; and ſhall be ſigned by the Miniſter with his proper Addition, and alſo by the Parties married, and atteſted by ſuch Two Witneſſes; which Entry ſhall be made in the Form, or to the Effect following; that is to ſay,

—Marriages to be ſolemnized in the Preſence of Two Witneſſes, beſides the Miniſter, and to be properly regiſtred,

—and ſigned by the Miniſter, Parties, and Witneſſes,

—in Form, or to this Effect.

A. B. of $\begin{bmatrix}\text{the}\\\text{this}\end{bmatrix}$ Pariſh

and *C. D.* of $\begin{bmatrix}\text{the}\\\text{this}\end{bmatrix}$ Pariſh

were married in this $\begin{bmatrix}\text{Church}\\\text{Chapel}\end{bmatrix}$ by $\begin{bmatrix}\text{Banns}\\\text{Licence}\end{bmatrix}$ with Con-

ſent of $\begin{bmatrix}\text{Parents}\\\text{Guardians}\end{bmatrix}$ this Day of in the Year

by me *J. J.* $\begin{bmatrix}\text{Rector}\\\text{Vicar}\\\text{Curate}\end{bmatrix}$

This Marriage was ſolemnized between us $\begin{matrix}A.\ B.\\C.\ D.\end{matrix}$ in the

Preſence of $\begin{matrix}E.\ F.\\G.\ H.\end{matrix}$

XVI. And

Regiſters in Churches and Chapels.

XVI. And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall, from and after the Twenty fifth Day of March, in the Year One thouſand ſeven hundred and fifty four, with Intent to elude the Force of this Act, knowingly and wilfully inſert, or cauſe to be inſerted in the Regiſter Book of ſuch Pariſh or Chapelry as aforeſaid, any falſe Entry of any Matter or Thing relating to any Marriage; or falſely make, alter, forge, or counterfeit, or cauſe or procure to be falſely made, altered, forged, or counterfeited, or act or aſſiſt in falſely making, altering, forging or counterfeiting any ſuch Entry in ſuch Regiſter; or falſely make, alter, forge, or counterfeit, or cauſe or procure to be falſely made, altered, forged, or counterfeited, or aſſiſt in falſely making, altering, forging, or counterfeiting any ſuch Licence of Marriage as aforeſaid; or utter or publiſh as true any ſuch falſe, altered, forged, or counterfeited Regiſter as aforeſaid, or a Copy thereof, or any ſuch falſe, altered, forged, or counterfeited Licence of Marriage, knowing ſuch Regiſter or Licence of Marriage reſpectively, to be falſe, altered, forged, or conterfeited; or if any Perſon ſhall, from and after the ſaid Twenty fifth Day of March, wilfully deſtroy, or cauſe or procure to be deſtroyed, any Regiſter Book of Marriages, or any Part of ſuch Regiſter Book, with Intent to avoid any Marriage, or to ſubject any perſon to any of the penalties of this Act, every perſon ſo offending, and being thereof lawfully convicted, ſhall be deemed and adjudged to be guilty of Felony, and ſhall ſuffer Death as a Felon, without Benefit of Clergy.

Perſons convicted of making a falſe Entry in the ſaid Regiſter,
— or of forging, *&c.* any ſuch Entry,
— or aſſiſting therein,
— or of forging *&c.* any Licence,
— or of publiſhing the ſame, knowing ſuch Regiſter or Licence to be falſe,
— or of deſtroying, with an ill Intent, any ſuch Regiſter,
— are to ſuffer death.

CAP. VIII.

STEALING *of Goods out of Churches and Chapels.*

Pag. 207, *after* 7 *Georg. Cap.* 29. inſert this Reference.

A.D. 1747. 20 Georg. II. Cap. 52.

CAP. XVI.

EXEMPTIONS *from* PARISH-OFFICES.

Pag. 219, *Inſert,*

A.D. 1722. *This Act was made perpetual by Stat.* 9 Georg. I. Cap. 8.

A.D. 1699. 10 & 11 Will. III. Cap. 23.

In an Act, Entituled, *An Act for the better apprehending, proſecuting and puniſhing of Felons that commit Burglary, Houſe-breaking, or Robbery in Shops, Ware-houſes, Coach-Houſes or Stables, or that ſteal Horſes.*

Whereas the Crimes of Burglary and breaking open of Houſes, in a felonious Manner, and the Crime of ſtealing Goods privately out of Shops and Ware-houſes, commonly called Shop-lifting, and the ſtealing of Horſes, are of late Years much increaſed, to the great Detriment, and unſpeakable Loſs of many of your Majeſties good Subjects, occaſioned for want of due Proſecution and Puniſhment of Offenders therein, and for want of Incouragement to ſuch as ſhall vigorouſly endeavour the apprehending of ſuch Malefactors: For preventing whereof, Be it Enacted by the Kings moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Perſon and Perſons, that ſhall at any time or times, by Night or in the Day time, from and after the twentieth Day of May, which ſhall be in the Year of our Lord, One thouſand ſix hundred ninety nine, in any Shop, Ware-houſe, Coach-Houſe or Stable, privately and feloniouſly ſteal any Goods, Wares or Merchandizes, being of the Value of five Shillings, or more, (although ſuch Shop, Ware-houſe, Coach-houſe or

Perſon ſtealing Goods in any ſhop, Ware-houſe, *&c.* of 5 *s.* Value or more, *Exemptions from Pariſh-Offices.*

—or aſſiſting therein,

—excluded from Benefit of Clergy.

Stable be not actually broke open by ſuch Offender or Offenders, and although the Owners of ſuch Goods, or any other Perſon or Perſons, be or be not in ſuch Shop, Ware-houſe, Coach-houſe, or Stable to be put in Fear) or ſhall aſſiſt, hire or command any Perſon or Perſons, to commit ſuch Offence, being thereof convicted or attainted, by Verdict or Confeſſion, or being indicted thereof ſhall ſtand mute, or will not directly anſwer to the Indictment, or ſhall peremptorily challenge above the number of three and twenty Perſons returned to be of the Jury, ſhall, by virtue of this Act, be abſolutely debarred and excluded of and from the Benefit of the Clergy.

Proſecutor of Felon to have a Certificate:

—In caſe of Diſpute, Judge to appoint the Certificate into ſhares;

—Certificate may be once aſſigned, —Aſſignee to be diſcharged from Pariſh and Ward Offices;

—Certificate to be inrolled,

—Fee.

II. And be it Enacted by the Authority aforeſaid, That from and after the ſaid twentieth Day of May, One thouſand ſix hundred ninety nine, all and every Perſon and Perſons, who ſhall apprehend and take any Perſon guilty of any the Felonies before-mentioned, and proſecute him, her or them, ſo apprehended and taken, until he, ſhe or they be convicted of any the aforeſaid Felonies, ſuch Apprehenders and Takers, for his, her or their Reward, upon every ſuch Conviction, without any Fee or Reward to be paid for the ſame, ſhall have forthwith after every ſuch Conviction a Certificate, which ſhall be under the Hand or Hands of the Judge, Juſtice or Juſtices before whom every ſuch Conviction ſhall be had, certifying ſuch Conviction, and alſo within what Pariſh or Place the Felony was committed, whereof any ſuch perſon or perſons was or were Convicted, as aforeſaid, and alſo that ſuch Felon or Felons was or were diſcovered and taken, or diſcovered or taken by the perſon or perſons ſo diſcovering or Apprehending any the ſaid Felon or Felons; And in Caſe any Diſpute ſhall happen to ariſe between any of the perſons ſo diſcovering or apprehending any the ſaid Felon or Felons ſo Convict, as aforeſaid, touching their Right or Title to the ſaid Certificate, that then the ſaid Judge, Juſtice or Juſtices, or the major part of them, ſo reſpectively making ſuch Certificate, as aforeſaid, ſhall in and by his or their Certificate, direct and appoint the ſaid Certificate into ſo many Shares, to be divided amongſt the perſons therein concerned, as to the ſaid Judge, Juſtice or Juſtices, or the major part of them ſhall ſeem Juſt and Reaſonable, which Certificate ſhall and may be once Aſſigned over and no more, and the original Proprietor of ſuch Certificate, or the Aſſignee of the ſame, whomſoever of them ſhall have the Intereſt therein, by virtue thereof and of this preſent Act, ſhall and may be Diſcharged of and from all and all manner of Pariſh and Ward Offices, within the Pariſh or Ward wherein ſuch Felony or Felonies ſhall be committed, and ſuch Party or Aſſignee is hereby declared to be diſcharged therefrom; Which ſaid Certificate ſhall be inrolled by the Clerk of the Peace of the County, in which the ſame ſhall be Granted; for which Inrollment the ſaid Clerk of the Peace of the County or City, in which the ſame ſhall be Granted, ſhall have for his Fee the Sum of one Shilling and no more.

Proviſo.

III. Provided nevertheleſs, That if any perſon having ſuch Certificate, ſhall at any time make uſe of the ſaid Certificate to exempt him from any Pariſh or Ward Office, ſuch perſon ſo making uſe of the ſaid Certificate, or any other perſon or perſons, claiming any Intereſt therein, ſhall not Aſſign over the ſaid Certificate to any perſon or perſons whatſoever.

If Perſon be ſlain in Purſuit of Houſe-Breakers, *&c.* Executor to have the Certificate without Fee.

IV. And be it further enacted, That in caſe any perſon or perſons ſhall happen to be ſlain by any ſuch Houſe-Breakers, Horſe-Stealers or other Felon aforeſaid, by endeavouring to apprehend, or in making Purſuit after him, her or them, or any of them, that then the Executors or Adminiſtrators of ſuch perſon or perſons ſo ſlain, to whom the Right of Adminiſtration of the perſonal Eſtate of every perſon ſo ſlain ſhall belong, ſhall have the ſaid Certificate in manner, as aforeſaid, without Fee or Reward as aforeſaid.

18 Georg. II. Cap. 15.

A.D.1745.

In an Act, Entituled, *An Act for making the Surgeons of* London *and the Barbers of* London *Two ſeparate and diſtinct Corporations.*

Surgeons exempted from Pariſh, Ward, and Leet Offices, and Juries.

X. And it is hereby further enacted by the Authority aforeſaid, That all and every Perſon and Perſons, being Freemen of the ſaid Company and Corporation of Surgeons eſtabliſhed and incorporated by this Act, and who already have been, or hereafter ſhall be, examined and approved purſuant to the Rules and Orders of the ſaid Company, and every of them, for ſo long Time as he and they ſhall uſe and exerciſe the ſaid Art or Science of Surgery, and no longer, ſhall and may, at all Times hereafter, be freed and exempted from the ſeveral Offices of Conſtable, Scavenger, Overſeer of the Poor, and all other Pariſh, Ward, and Leet Offices, and of and from the being put into or ſerving upon any Jury or Inqueſt: And if at any Time hereafter, any ſuch Perſon or Perſons, uſing and practiſing the ſaid Art or Science of Surgery, and being qualified as aforeſaid, ſhall be choſen and elected into any of the ſaid Offices, or returned, required, or appointed to ſerve on any Jury, Leet, or Inqueſt, *Exemptions from Pariſh-Offices.*

Inqueſt, or be diſquieted or diſturbed by reaſon thereof; that then ſuch Perſon or Perſons, producing a Teſtimonial, under the Common Seal of the ſaid Corporation, of ſuch his Examination, Approbation, and Freedom, to the Perſon or Perſons by whom he ſhall be ſo elected or appointed, or by or before whom he ſhall be ſummoned, returned, or required to ſerve or hold any of the ſaid Offices or Duties, ſhall be abſolutely diſcharged from the ſame; and ſuch Nomination, Election, Return, and Appointment, ſhall be utterly void, and of no Effect; any Order, Cuſtom, Law, or Statute to the contrary in any wiſe notwithſtanding.

CAP. XX.

Parochial Settlements for the POOR.

Pag. 235. *inſert,*

A.D.1713.

12 Annæ, Seſſ. 1. Cap. 18.

An Act for making perpetual the Act made in the thirteenth and fourteenth Years of the Reign of the late King Charles *the Second, intituled,* An Act for the better Relief of the Poor of this Kingdom; *and that Perſons bound Apprentices to, or being hired Servants with Perſons coming with Certificates, ſhall not gain Settlements by ſuch Services or Apprenticeſhips.*

Whereas an Act made in the thirteenth and fourteenth Years of the Reign of the late King Charles the Second, intituled, An Act for the better Relief of the Poor of this Kingdom, was enacted, to have Continuance (except what related to the Corporations therein mentioned, and thereby conſtituted) only until the twenty-ninth Day of May one thouſand ſix hundred ſixty five, and from thence to the End of the firſt Seſſions of the next Parliament; which ſaid Act, by an Act made in the firſt Year of the Reign of the late King James the Second, (except what related to the Corporations therein mentioned, and thereby conſtituted) was enacted to be in Force from the firſt Day of May one thouſand ſix hundred eighty-five, and ſo to continue for the Space of ſeven Years, and from thence to the End of the next Seſſions of Parliament; and by an Act made in the third and fourth Years of the Reign of King William and Queen Mary, the ſaid Act (as to what therein related to the Settlement of the Poor) was enacted to be in Force from the firſt Day of March one thouſand ſix hundred ninety-one; but no Proviſion was thereby made for continuing divers other Parts of the ſaid Act, which ſaid Act, intituled, An Act for the better Relief of the Poor of this Kingdom, as to all Parts thereof, not mentioned and continued in and by the ſaid Act made in the third and fourth Years of their late Majeſties (other than and except what relates to the Corporations mentioned in the ſaid Act, [For the better Relief of the Poor of this Kingdom,] and thereby conſtituted) was, by an Act made in the fourth and fifth Years of the Reign of their late Majeſties, continued only for the Space of ſeven Years, from the thirteenth Day of February one thouſand ſix hundred ninety-two, and from thence to the End of the next Seſſion of Parliament; which ſaid Act afterwards by an Act of the eleventh and twelfth Years of the Reign of the late King William the Third, intituled, An Act for continuing ſeveral Laws therein mentioned, was continued only for ſeven Years, from the twenty-ninth Day of September one thouſand ſeven hundred; and which ſaid Act of the thirteenth and fourteenth Years of the Reign of the ſaid late King Charles the Second, intituled, Act Act for the better Relief of the Poor of this Kingdom, by an Act made in the fifth Year of the Reign of her preſent Majeſty, intituled, An Act for continuing the Laws therein mentioned relating to the Poor, and to the Buying and Selling of Cattle in Smithfield, and for ſuppreſſing of Piracy, was enacted to be in Force from the twenty-fifth Day of March one thouſand ſeven hundred and ſeven (except what relates to the Corporations therein mentioned, and thereby conſtituted) only for ſeven Years, and from thence to the End of the next Seſſions of Parliament; which ſaid Act of the thirteenth and fourteenth Years of the Reign of the ſaid late King Charles the Second, intituled, An Act for the better Relief of the Poor of this Kingdom, being found to be a very uſeful and neceſſary Law, and being near expiring; Be it therefore enacted by the Queen's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons,

13 & 14 Car. 2. c. 12.

1 Jac. 2. c. 17.

3 & 4 W. & M. c. 11.

4 & 5 W. & M. c. 24. §. 11.

11 & 12 W. 3. c. 13.

5 Ann. c. 34.

Amended by 11 Geo. 1. c. 29.

mons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act, made in the thirteenth and fourteenth Years of the ſaid late King Charles the Second, intituled, An Act for the better Relief of the Poor of this Kingdom, ſhall be, and is hereby made perpetual.

The Act 13 and 14 Car. 2. c. 12. made perpetual.

8 & 9 W. 3. c. 30.

II. And whereas by an Act made in the eighth and ninth Years of the Reign of the late King William the Third, intituled, An Act for ſupplying ſome Defects in the Laws for the Relief of the Poor of this Kingdom, It was amongſt other Things enacted, in the Words following, (viz.) That if any Perſon or Perſons whatſoever, that from and after the firſt Day of May one thouſand ſix hundred ninety-ſeven ſhall come into any Pariſh, or other Place, there to inhabit or reſide, ſhall, at the ſame Time, procure, bring, and deliver to the Churchwardens or Overſeers of the Poor of the Pariſh or Place where any ſuch Perſon ſhall come to inhabit, or to any or either of them, a Certificate under the Hands and Seals of the Churchwardens and Overſeers of the Poor of any other Pariſh, Townſhip or Place, or the major Part of them, or under the Hands and Seals of the Overſeers of the Poor of any other Place, where there are no Churchwardens, to be atteſted reſpectively by two or more credible Witneſſes, thereby owning and acknowledging the Perſon or Perſons mentioned in the ſaid Certificate, to be an Inhabitant or Inhabitants legally ſettled in that Pariſh, Townſhip or Place, every ſuch Certificate having been allowed of and ſubſcribed by two or more of the Juſtices of the Peace of the County, City, Liberty, Borough, or Town Corporate, wherein the Pariſh or Place, from whence any ſuch Certificate ſhall come, doth lie, ſhall oblige the ſaid Pariſh or Place to receive and provide for the Perſon mentioned in the ſaid Certificate, together with his or her Family, as Inhabitants of that Pariſh, whenever he, ſhe, or they ſhall happen to become chargeable to, or be forced to aſk Relief of the Pariſh, Townſhip or Place, to which ſuch Certificate was given; and then, and not before, it ſhall and may be lawful for any ſuch Perſon, and his or her Children, though born in that Pariſh, not having otherwiſe acquired a legal Settlement there, to be removed, conveyed, and ſettled in the Pariſh or Place from whence ſuch Certificate was brought: And whereas many Perſons obtaining and bringing ſuch Certificates, do frequently take Apprentices, bound by Indenture, and hire and keep Servants by the Year, who, by Reaſon of ſuch Apprenticeſhips and Services, do gain Settlements in, and become a great Burthen to ſuch Pariſhes, Townſhips and Places, though ſuch Maſters coming with ſuch Certificates have, by Virtue thereof, no Settlements in ſuch Pariſhes, Townſhips or Places: For Remedy whereof, It is declared and enacted by the Authority aforeſaid, That if any Perſon whatſoever, who, upon or after the four and twentieth Day of June one thouſand ſeven hundred and thirteen, ſhall be an Apprentice, bound by Indenture to, or ſhall, upon or after the ſaid four and twentieth Day of June one thouſand ſeven hundred and thirteen, be a hired Servant to or with any Perſon whatſoever, who did come into or ſhall reſide in any Pariſh, Townſhip or Place, in that Part of Great Britain called England, by Means or Licence of ſuch Certificate, and not afterwards having gained a legal Settlement in ſuch Pariſh, Townſhip or Place, ſuch Apprentice, by Virtue of ſuch Apprenticeſhip, Indenture or Binding, and ſuch Servant by being hired by, or ſerving as a Servant, as aforeſaid, to ſuch Perſon, ſhall not gain or be adjudged to have any Settlement in ſuch Pariſh, Townſhip or Place, by Reaſon of ſuch Apprenticeſhip or Binding, or by Reaſon of ſuch Hiring or Serving therein; but every ſuch Apprentice and Servant ſhall have his and their Settlements in ſuch Pariſh, Townſhip or Place, as if he or they had not been bound Apprentice or Apprentices, or had not been an hired Servant or Servants to ſuch Perſon, as aforeſaid; any Act or Acts of Parliament to the contrary notwithſtanding.

After 24 June 1713. any Perſon bound Apprentice, or being a hired Servant, to one who came into a Pariſh by Certificate, ſhall not gain a Settlement there by reaſon of ſuch Apprenticeſhip, &c.

5 Georg. I. Cap. 8.

A.D.1718.

An Act for the more effectual Relief of ſuch Wives and Children, as are left by their Husbands and Parents, upon the Charge of the Pariſh.

Whereas divers Perſons run or go away from their Places of Abode into other Counties or Places, and ſometimes out of the Kingdom, ſome Men leaving their Wives, a Child or Children, and ſome Mothers run or go away, leaving a Child or Children, upon the Charge of the Pariſh or Place where ſuch Child or Children was or were born, or laſt legally ſettled, although ſuch Perſons have ſome Eſtates, which ſhould eaſe the Pariſh of their Charge, in Whole or in Part: May it pleaſe your Majeſty therefore that it may be enacted, and be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for the Church-wardens or Overſeers of the Poor of ſuch Pariſh or Place where any ſuch Wife, or Child

Churchwardens, &c. may by War-

Child or Children ſhall be ſo left, upon Application to, and by Warrant or Order from any two Juſtices of the Peace, to take and ſeize ſo much of the Goods and Chattels, and receive ſo much of the annual Rents and Profits of the Lands and Tenements of ſuch Husband, Father or Mother, as ſuch two Juſtices of the Peace, as aforeſaid, ſhall order or direct, for or towards the Diſcharge of the Pariſh or Place where ſuch Wife, Child or Children are left, for the bringing up and providing for ſuch Wife, Child or Children; which Warrant or Order being confirmed at the next Quarter-Seſſions, it ſhall be lawful for the Juſtices of ſuch Quarter-Seſſions to make an Order for the Churchwardens or Overſeers for the Poor of ſuch Pariſh or Place, to diſpoſe of ſuch Goods and Chattels by Sale, or otherwiſe, or ſo much of them, for the Purpoſes aforeſaid, as the Court ſhall think fit, and to receive the Rents and Profits, or ſo much of them as ſhall be ordered by the Seſſions, as aforeſaid, of his or her Lands and Tenements, for the Purpoſes aforeſaid.

rant from two Juſtices, ſeize the Goods, &c. of Husbands and Parents, who leave their Wives and Children upon the Pariſh.

Such Warrant to be confirmed at Quarter Seſſions, who may make an Order for Sale, &c.

II. And be it enacted by the Authority aforeſaid, That the Church-wardens and Overſeers aforeſaid ſhall be accountable to the Juſtices at the Quarter-Seſſions for all ſuch Money as they, or any of them, ſhall receive by Virtute of this Act.

Church-wardens, &c. to be accountable to Juſtices in Seſſions.

A.D.1722.

9 Georg. I. Cap. 7.

An Act for amending the Laws relating to the Settlement, Imployment, and Relief of the Poor.

3 & 4 W. & M. c. 11. ſ. 11.

Whereas by an Act of Parliament made and paſſed in the third and fourth Years of the Reign of their late Majeſties King William and Queen Mary, it is provided, That in every Pariſh a Book or Books ſhould be kept, wherein the Names of all Perſons, who did or might receive Collections, ſhould be regiſtred, with the time when they were firſt admitted to ſuch Relief, and the occaſion which brought them under that Neceſſity; and that no ſuch Perſon ſhould be allowed to have or receive Collection at the Charge of the Pariſh but by Authority, or under the Hand of one Juſtice of Peace reſiding in ſuch Pariſh, or if none there dwelling, in the Parts near or next adjoyning, or by Order of the Juſtices at their Quarter-Seſſions, except in caſe of Peſtilential Diſeaſes, Plague, or Small Pox: And whereas under Colour of the Proviſo in the ſaid Act, many Perſons have applied to ſome Juſtice of Peace, without the Knowledge of any Officers of the Pariſh, and thereby, upon untrue Suggeſtions, and ſometimes upon falſe or frivolous Pretences, have obtained Relief, which hath greatly contributed to the Encreaſe of the Pariſh-Rates: For Remedy whereof, be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by Authority of the ſame, That from and after the Twenty fifth Day of March, which ſhall be in the Year, One thouſand ſeven hundred and twenty three, no Juſtice of Peace ſhall order Relief to any poor Perſon dwelling in any Pariſh, until Oath be made before ſuch Juſtice of ſome Matter, which he ſhall judge to be a reaſonable Cauſe or Ground for having ſuch Relief; and that the ſame Perſon had by himſelf, herſelf, or ſome other, applied for Relief to the Pariſhioners of the Pariſh, at ſome Veſtry or other publick Meeting of the ſaid Pariſhioners, or to two of the Overſeers of the Poor of ſuch Pariſh, and was by them refuſed to be relieved, and until ſuch Juſtice hath ſummoned two of the Overſeers of the Poor to ſhew cauſe why ſuch Relief ſhould not be given, and the Perſon ſo ſummoned hath been heard, or made default to appear before ſuch Juſtice; any thing in the ſaid Proviſo, or any Law to the contrary notwithſtanding.

No poor to be relieved till Oath made of a reaſonable cauſe,

II. And be it further enacted by the Authority aforeſaid, That the Perſon, whom any ſuch Juſtice of Peace ſhall think fit to order to be relieved, ſhall be entred in ſuch Book or Books ſo to be kept by the Pariſh, as one of thoſe who is to receive Collection, as long as the Cauſe for ſuch Relief continues, and no longer: and that no Officer of any Pariſh ſhall (except upon ſudden and emergent Occaſions) bring to the Account of the Pariſh any Monies he ſhall give to any Poor Perſon of the ſame Pariſh, who is not regiſtred in ſuch Book or Books to be kept by the ſaid Pariſh, as a Perſon entitled to receive Collection, on Pain of forfeiting the Sum of Five Pounds, to be levied by Diſtreſs and Sale, by Warrant of any Two or more Juſtices of the Peace of the ſame County, who ſhall have examined into, and found him guilty of ſuch Offence; which ſaid Sum ſhall be applied to and for the Uſe of the Poor of the ſaid Pariſh, by Direction of the ſaid Juſtice or Juſtices of the Peace.

—or, longer than the cauſe continues.

III. And for the greater Eaſe of Juſtices of the Peace, whom his Majeſty, or his Succeſſors, hath, or ſhall, by Commiſſion authorize to act as a Juſtice of Peace for any County of this Realm; be it enacted by the Authority aforeſaid, That if any ſuch Juſtice of Peace ſhall happen to dwell in any City, or other Precinct that

Juſtices dwelling out of a County, may grant Warrants, &c.

is a County of it ſelf, ſituate within the County at large, for which he ſhall be appointed Juſtice of Peace, although not within the ſame County, it ſhall and may be lawful for any ſuch Juſtice of Peace to grant Warrants, take Examinations, and make Orders for any Matters, which any one or more Juſtice or Juſtices of the Peace may act in, at his own Dwelling-houſe, although ſuch Dwelling-houſe be out of the County where he is authorized to act as a Juſtice of Peace, and in ſome City or other Precinct adjoyning, that is a County of it ſelf; and that all ſuch Warrants, Orders, and other Act or Acts of any ſuch Juſtice of Peace, and the Act or Acts of any Conſtable, Tythingman, Headborough, Overſeer of the Poor, Surveyor of the Highways, or other Officer, in obedience to any ſuch Warrant or Order, ſhall be as valid, good, and effectual in the Law, although it happen to be out of the Limits of the proper Precinct or Authority: Provided always, That nothing in this Act contained ſhall extend to give Power to the Juſtices of Peace for the Counties at large, to hold their General Quarter-Seſſions of the Peace in Cities or Towns, which are Counties of themſelves, nor to impower Juſtices of Peace, Sheriffs, Bailiffs, Conſtables, Headboroughs, Tythingmen, Borſholders, or any other Peace-Officers of the Counties at large, to act or intermeddle in any Matters or Things ariſing within Cities or Towns, which are Counties of themſelves, but that all ſuch Acts and Doings ſhall be of the ſame Force and Effect in Law, and none other, as if this Act had never been made.

Churchwardens, &c. may purchaſe, &c. Houſes to lodge or employ the Poor in.

IV. And for the greater eaſe of Pariſhes in the Relief of the Poor, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Churchwardens and Overſeers of the Poor in any Pariſh, Town, Townſhip, or Place, with the Conſent of the major Part of the Pariſhioners or Inhabitants of the ſame Pariſh, Town, Townſhip, or Place, in Veſtry, or other pariſh or publick Meeting for that purpoſe aſſembled, or of ſo many of them as ſhall be ſo aſſembled, upon uſual Notice thereof firſt given, to purchaſe or hire any Houſe or Houſes in the ſame pariſh, Townſhip, or place, and to contract with any perſon or perſons for the Lodging, Keeping, Maintaining, and Employing any or all ſuch Poor in their reſpective Pariſhes, Townſhips, or Places, as ſhall deſire to receive Relief or Collection from the ſame pariſh, and there to keep, maintain, and employ all ſuch poor perſons, and take the Benefit of the Work, Labour, and Service of any ſuch poor perſon or perſons, who ſhall be kept or maintained in any ſuch Houſe or Houſes, for the better Maintenance and Relief of ſuch poor perſon or perſons, who ſhall be there kept or maintained; and in caſe any poor perſon or perſons of any Pariſh, Town, Townſhip, or Place, where ſuch Houſe or Houſes ſhall be ſo purchaſed or hired, ſhall refuſe to be lodged, kept, or maintained in ſuch Houſe or Houſes, ſuch poor perſon or perſons ſo refuſing ſhall be put out of the Book or Books where the Names of the perſons, who ought to receive Collection in the ſaid pariſh, Town, Townſhip, or place, are to be regiſtred, and ſhall not be entitled to aſk or receive Collection or Relief from the Churchwardens and Overſeers of the poor of the ſame Pariſh, Town, or Townſhip; and where any Pariſh, Town, or Townſhip ſhall be too ſmall to purchaſe or hire ſuch Houſe or Houſes for the poor of their own pariſh only, it ſhall and may be lawful for Two or more ſuch pariſhes, Towns, or Townſhips, or places, with the Conſent of the major part of the pariſhioners or Inhabitants of their reſpective pariſhes, Town, Townſhip, or Places, in Veſtry or other pariſh or publick Meeting for that purpoſe aſſembled, or of ſo many of them as ſhall be ſo aſſembled, upon uſual Notice thereof firſt given, and with the Approbation of any Juſtice of Peace dwelling in or near any ſuch pariſh, Town, or place, ſignified under his Hand and Seal, to unite in purchaſing, hiring, or taking ſuch Houſe, for the Lodging, Keeping, and Maintaining of the poor of the ſeveral pariſhes, Townſhips, or places ſo uniting, and there to keep, maintain, and employ the poor of the reſpective pariſhes ſo uniting, and to take and have the Benefit of the Work, Labour, or Service of any Poor there kept and maintained, for the better Maintenance and Relief of the poor there kept, maintained, and employed; and that if any poor perſon or perſons in the reſpective pariſhes, Townſhips, or places ſo uniting, ſhall refuſe to be lodged, kept, and maintained in the Houſe hired or taken for ſuch uniting pariſhes, Townſhips, or places, he, ſhe, or they ſo refuſing ſhall be put out of the Collection Book, where his, her, or their Names were regiſtred, and ſhall not be intitled to aſk or demand Relief or Collection from the Churchwardens and Overſeers of the poor in their reſpective pariſhes, Townſhips, or places; and that it ſhall and may be lawful for the Churchwardens and Overſeers of the poor of any pariſh, Townſhip, or place, with the Conſent of the major part of the pariſhioners or Inhabitants of the ſaid pariſh, Townſhip, or place, where ſuch Houſe or Houſes is, are, or ſhall be purchaſed or hired for the purpoſes aforeſaid, in Veſtry, or other pariſh or publick Meeting for that purpoſe aſſembled, or of ſo many of them as ſhall be ſo aſſembled, upon uſual notice thereof firſt given, to contract with the Churchwardens and Overſeers of the poor of any other pariſh, Townſhip, or place, for the Lodging, Maintaining, or Employing of any poor perſon or perſons of ſuch other pariſh, Townſhip, or place,

— Poor refuſing to be lodged, &c. are not intitled to Relief.

— one pariſh, &c. being too ſmall for ſuch Purchaſe, two may unite, &c.

Church-wardens, &c. of one Pariſh may contract with thoſe of another, &c.

as to them ſhall ſeem meet; and in caſe any poor perſon or perſons of ſuch other pariſh, Townſhip, or place ſhall refuſe to be lodged, maintained, and employed in ſuch Houſe or Houſes, he, ſhe, or they ſo refuſing ſhall be put out of the Collection Book of ſuch other Pariſh, Townſhip, or Place, where his, her, or their Names were regiſtred, and ſhall not be intitled to aſk, demand, or receive any Relief or Collection from the Churchwardens and Overſeers of the poor of his, her, or their reſpective pariſh, Townſhip, or place: Provided always, That no poor perſon or perſons, his, her, or their Apprentice, Child or Children, ſhall acquire a Settlement in the pariſh, Town, or place, to which he, ſhe, or they are removed by virtue of this Act, but that his, her, or their Settlement ſhall be and remain in ſuch pariſh, Town, or place, as it was before ſuch Removal; any thing in this Act to the contrary notwithſtanding.

—Settlement to be as before Removal.

Settlement, how to be acquired by Purchaſe.

V. And be it further enacted by the Authority aforeſaid, That from and after the Twenty fifth Day of March, which ſhall be in the Year of Our Lord One thouſand ſeven hundred and twenty three, no perſon or perſons ſhall be deemed, adjudged, or taken to acquire or gain any Settlement in any pariſh or place, for or by virtue of any purchaſe of any Eſtate or Intereſt in ſuch pariſh or place, whereof the Conſideration for ſuch purchaſe doth not amount to the Sum of Thirty pounds, bona fide paid, for any longer or further Time than ſuch perſon or perſons ſhall inhabit in ſuch Eſtate; and ſhall then be liable to be removed to ſuch pariſh or place where ſuch perſon or perſons were laſt legally ſettled, before the ſaid purchaſe and Inhabitancy therein.

Paying Taxes to the Scavenger, gains no Settlement.

VI. And be it further enacted by the Authority aforeſaid, That no perſon or perſons whatſoever, who, from and after the Twenty fifth Day of March, in the Year of Our Lord One thouſand ſeven hundred and twenty three, ſhall be taxed, rated, or aſſeſſed to the Scavenger, or Repairs of the Highway, and ſhall duly pay the ſame, ſhall be deemed or taken to have any legal Settlement in any City, pariſh, Town, or Hamlet, for or by reaſon of his, her, or their paying to ſuch Scavengers Rate or Repairs of the Highway, as aforeſaid; any Law to the contrary in any wiſe notwithſtanding.

8 & 9 W. 3. c. 30.

VII. And whereas there was a Clauſe in the Statute made in the eighth and ninth Year of his late Majeſty King William the Third, Intituled, An Act for the ſupplying ſome Defects in the Law for the Relief of the Poor of this Kingdom, whereby it was enacted, That after the firſt Day of May, One thouſand ſix huudred ninety ſeven, all Appeals againſt any Order for the removing of any poor perſons ſhould be heard at the Quarter Seſſions of the County or Diviſion, wherein the pariſh or place, from whence ſuch perſon ſhould be removed, doth lie, and not elſewhere, except the Liberty of Saint Albans; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Juſtices of the Peace, within the Liberty of the Borough of Saint Peter, and Hundred of Naſſaborough in the County of Northampton, to hear and determine all Appeals to them made againſt any Order made for Removal of any poor perſon, in their Quarter Seſſions, as they might have done before the making of the ſaid laſt mentioned Act; any thing therein, or in this preſent Act contained, to the contrary thereof in any wiſe notwithſtanding.

Juſtices of St. *Peter*, and Hundred of *Naſſaborough* in *Northamptonſhire*, may determine Appeals.

Reaſonable Notice is to be given of Appeals.

VIII. And whereas ſeveral Diſputes and Controverſies have ariſen and been, concerning the time of Notice to be given of Appeals from Orders of Removals of poor perſons, to prevent the ſame as much as may be for the future, be it enacted by the Authority aforeſaid, that from and after the ſaid Twenty fifth Day of March, One thouſand ſeven hundred and twenty three, no Appeal or Appeals from any Order or Orders of Removal of any poor perſon or perſons whatſoever from any pariſh or place to another, ſhall be proceeded upon in any Court or Quarter Seſſions, unleſs reaſonable Notice be given by the Churchwardens or Overſeers of the Poor of ſuch Pariſh or Place, who ſhall make ſuch Appeal, unto the Churchwardens or Overſeers of the Poor of ſuch Pariſh or Place from which ſuch poor perſon or perſons ſhall be removed; the reaſonableneſs of which Notice ſhall be determined by the Juſtices of the Peace at the Quarter Seſſions, to which the Appeal is made; and if it ſhall appear to them that reaſonable time of Notice was not given, then they ſhall adjourn the ſaid Appeal to the next Quarter Seſſions, and then and there finally hear and determine the ſame.

Juſtices, how to relieve the Appellant on undue Removals.

IX. And for the preventing of vexatious Removals, be it further enacted by the Authority aforeſaid, That from and after the twenty fourth Day of June, in the Year of our Lord One thouſand ſeven hundred and twenty three, if the Juſtices of the Peace ſhall, at their Quarter Seſſions, upon an Appeal before them there had concerning the Settlement of any poor Perſon, determine in favour of the Appellant, that ſuch poor perſon or perſons was or were unduly removed, that then the ſaid Juſtices ſhall, at the ſame Quarter Seſſions, order and award to ſuch Appellant ſo much Money as ſhall appear to the ſaid Juſtices to have been reaſonably paid by the Pariſh or other place on whoſe behalf ſuch Appeal was made, for or towards the Relief of ſuch poor perſon or perſons, between the time of ſuch undue Removal, and the

8 & 9 W. 3. c. 30.

the Determination of ſuch Appeal; the ſaid Money ſo awarded to be recovered in the ſame Manner as Coſts and Charges upon an Appeal are preſcribed to be recovered by the ſaid Statute made in the Ninth Year of his late Majeſty King William the Third, intituled, An Act for ſupplying ſome Defects in the Laws for the Relief of the Poor of this Kingdom.

3 Georg. II. Cap. 29.

A.D. 1730.

In an Act, Entituled, *An Act for continuing and amending an Act for regulating the Price and Aſſize of Bread*; *for Relief of Bankrupts whoſe Certificates were not allowed before the Expiration of a late Act* (For the better preventing Frauds committed by Bankrupts) *for allowlowing further Time for Inrollment of Deeds or Wills made by Papiſts, and for Relief of Proteſtant Purchaſers and Leſſees*; *and for making further Proviſion concerning Certificates relating to the Settlements of poor Perſons, and the charges of maintaining and removing certificated Perſons.*

8 & 9 W. 3. c. 30.

VIII. And to prevent Diſputes which often happen, touching the Proof of Certificates given by the Officers of any pariſh or place, acknowledging any perſon or perſons therein named, to be an Inhabitant or Inhabitants legally ſettled in ſuch Pariſh, Town or Place, by virtue of an Act of Parliament made in the eighth and ninth Years of the Reign of his late Majeſty King William the Third, and for making ſuch Certificates more effectual, be it Enacted by the Authority aforeſaid, That from and after the twenty-fourth Day of June in the Year of our Lord one thouſand ſeven hundred and thirty, the Witneſſes who atteſt the Execution of ſuch Certificates by the Churchwarden or Churchwardens, Overſeer or Overſeers, ſigning and ſealing the ſame, or one of the ſaid Witneſſes, ſhall make Oath before the Juſtices of the Peace, who by the ſaid Act are directed to allow the ſame (which Oath they are hereby authorized to adminiſter) that ſuch Witneſs or Witneſſes did ſee the Churchwarden or Churchwardens, Overſeer or Overſeers, whoſe Names and Seals are thereunto ſubſcribed and ſet, ſeverally ſign and ſeal the ſaid Certificate, and that the Names of ſuch Witneſſes atteſting the ſaid Certificate are of their own proper Hand writing; which ſaid Juſtices of the Peace ſhall alſo certify that ſuch Oath was made before them; and every ſuch Certificate ſo allowed, and Oath of the Execution thereof ſo certified, by the ſaid Juſtices of the Peace, ſhall be taken, deemed and allowed, in all Courts whatſoever, as duly and fully proved, and ſhall be taken and received as Evidence, without other proof thereof; and that all Certificates given in purſuance of the ſaid Act, before the ſaid twenty-fourth Day of June one thouſand ſeven hundred and thirty, ſhall be alſo taken and allowed in all Courts as Evidence, without other Proof; provided the ſame are duly allowed by two Juſtices of the Peace, as by the ſaid Act is required.

Witneſs to Certificates of Settlements to ſwear that they ſaw the Churchwardens, &c. ſign them.

IX. And whereas by an Act made in the eighth and ninth Years of the Reign of his late Majeſty King William the Third, intituled, An Act for ſupplying ſome Defects in the Laws for the Relief of the Poor of this Kingdom, all pariſhes and places are obliged to receive and entertain as Inhabitants all and every perſon and perſons and their Families, which come from any other pariſhes or places with ſuch Certificates of their Settlement, as in the ſaid Act are directed and required, until ſuch certificate perſons become chargeable, in which caſe and no others, the pariſhes and places to which they have been ſent by Certificate, are authorized to reconvey, and thoſe from whence they came, required to receive the ſaid certificate perſons and their Families, as their proper pariſhioners and inhabitants; but no proviſion is made in the ſaid Act for reimburſing the pariſhes and places the Charges they may be put to in reconveying the ſaid certificate perſons to their former pariſhes and ſettlements, or for the Maintenance of them when ſick or diſabled, till they may be in a Condition to be ſo removed, whereby divers pariſhes and places are often put to great and unavoidable Expences in removing and maintaining ſuch certificate perſons and their Families: Now to remedy and prevent the ſame for the future, be it Enacted by the Authority aforeſaid, That when any Overſeer or Overſeers of the poor of any pariſh or place, or other perſon, ſhall remove back any perſon or perſons or their Families, reſiding in ſuch pariſh or place, or ſent thither by Certificate, and becoming chargeable as aforeſaid, to the pariſh or place to which ſuch perſon or perſons ſhall belong, ſuch Overſeers or other perſons ſhall be reimburſed ſuch reaſonable Charges as they may have been put unto, in maintaining and removing ſuch perſon or perſons, by the Churchwardens or Overſeers of the Poor of the Pariſh or Place, to which ſuch perſon or perſons is or are removed, the ſaid Charges being firſt aſcertained

Overſeers to be reimburſed on reconveying Certificate Perſons.

tained and allowed of by one or more of his Majeſty's Juſtices of the Peace for the County or Place to which ſuch Removal ſhall be made; which ſaid Charges, ſo aſcertained and allowed, ſhall, in caſe of Refuſal of Payment, be levied by Diſtreſs and Sale of the Goods and Chattels of the Churchwardens and Overſeers of the Poor of the pariſh or place to which ſuch certificate perſon or perſons is or are removed by Warrant or Warrants under the Hand and Seal, or Hands and Seals of ſuch Juſtice or Juſtices, returning the Overplus, if any there be; which Warrant or Warrants he or they are hereby required to grant.

A.D.1744.

17 Georg. II. Cap. 3.

An Act to oblige Overſeers of the Poor to give publick Notice of Rates made for the Relief of the Poor, and to produce the ſame.

43 *Eliz.* c. 2.

Whereas great Inconveniencies do often ariſe in Cities, Towns Corporate, Pariſhes, Townſhips, and Places, by reaſon of the unlimited Power of the Churchwardens and Overſeers of the Poor, who frequently, on frivolous Pretences, and for private Ends, make unjuſt and illegal Rates in a ſecret and clandeſtine Manner, contrary to the true Intent and Meaning of a Statute made in the Forty and third Year of the Reign of Queen Elizabeth, intituled, An Act for the Relief of the Poor: For Remedy whereof, and preventing the like Abuſes for the future, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of May, which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty four, the Churchwardens and Overſeers, or other perſons authorized to take Care of the poor in every pariſh, Townſhip, or place, ſhall give, or cauſe to be given, publick Notice in the Church, of every Rate for the Relief of the poor, allowed by the Juſtices of Peace, the next Sunday after the ſame ſhall have been ſo allowed; and that no Rate ſhall be eſteemed or reputed valid and ſufficient, ſo as to collect and raiſe the ſame, unleſs ſuch Notice ſhall have been given.

Poors Rates to be publiſhed in the Church.

The Rates to be inſpected by any Inhabitant, and Copies taken.

II. And be it further enacted, That the Churchwardens and Overſeers of the poor or other perſons, authorized as aforeſaid, in every pariſh, Townſhip, or place, ſhall permit all and every the Inhabitants of the ſaid pariſh, Townſhip, or place, to inſpect every ſuch Rate at all ſeaſonable Times, paying One Shilling for the ſame; and ſhall, upon Demand, forthwith give Copies of the ſame, or any part thereof, to any Inhabitant of the ſaid pariſh, Townſhip, or place, paying at the Rate of Six Pence for every Twenty four Names.

Penalty on not permitting any Inhabitant to inſpect, *&c.*

III. And be it further enacted, That if any Churchwarden or Overſeer of the poor, or other perſon, authorized as aforeſaid, ſhall not admit any Inhabitant or Pariſhioner to inſpect the ſaid Rates, or ſhall refuſe, or neglect to give Copies thereof, as aforeſaid, ſuch Churchwarden or Overſeer, or other perſon, authorized as aforeſaid, for every ſuch Offence ſhall forfeit and pay to the Party aggrieved, the Sum of Twenty pounds, to be ſued for and recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record, wherein no Eſſoin, Potection, or Wager of Law, or more than One Imparlance, ſhall be allowed.

A.D.1744.

17 Georg. II. Cap. 5.

An Act to amend and make more effectual the Laws relating to Rogues, Vagabonds, and other idle and diſorderly Perſons, and to Houſes of Correction.

How to order Women delivered of Children in the Street.

XXV. And whereas Women wandering and begging, are often delivered of Children in pariſhes and places to which they do not belong, whereby they become chargeable to the ſame; be it therefore enacted by the Authority aforeſaid, That where any ſuch Woman ſhall be ſo delivered, and become chargeable, it ſhall and may be lawful for the Churchwardens or Overſeers of the Poor of ſuch pariſh or place, to detain ſuch Woman in their Cuſtody, until they can ſafely convey her to ſome Juſtice of the Peace, who ſhall examine her, and commit her to the Houſe of Correction, until the next General or Quarter Seſſions, who may (if they ſee convenient) order her to be publickly whipt, and detained in the Houſe of Correction, for any further Time, not exceeding ſix Months; and upon Application by the Churchwardens or Overſeers of the Place, where ſhe was ſo delivered, the Juſtices at ſuch Seſſions ſhall order the Treaſurer of the County or Diſtrict to pay them ſuch a Sum of Money as ſhall be adjudged a reaſonable Satisfaction for the Charges ſuch place has been put to on ſuch Woman's Account; and if ſuch Woman ſhall be detained and conveyed to a Juſtice as aforeſaid, the Child of which ſhe is delivered, if a Baſtard, ſhall not be ſettled in the Place where ſo born, nor be ſent thither for Want of other Settlement, by a Paſs, by virtue of this Act, but the Settlement of ſuch Woman ſhall be deemed the Settlement of ſuch Child; any Law to the contrary notwithſtanding.

17 Georg. II. Cap. 38.

An Act for remedying ſome Defects in the Act made in the Forty third Year of the Reign of Queen Elizabeth, *intituled,* An Act for the Relief of the Poor.

43 Eliz. c. 2.

At what time Pariſh Officers ſhall make up their Accounts.

—Books may be inſpected, paying 6*d*.

—and Copies taken, paying 6*d*. for every 300 words.

Whereas by Reaſon of ſome Defects in an Act of Parliament made in the three and fortieth Year of the Reign of the late Queen Elizabeth, intituled, An Act for the Relief of the Poor, the Money raiſed for that Purpoſe is liable to be miſapplied, and there is often great Difficulty and Delay in raiſing of the ſame; For Remedy whereof may it pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of June, One thouſand ſeven hundred and forty four, the Churchwardens and Overſeers of the Poor ſhall yearly and every Year, within Fourteen Days after other Overſeers ſhall be nominated and appointed to ſucceed them, deliver in to ſuch ſucceeding Overſeers, a juſt, true and perfect Account in Writing, fairly entred in a Book or Books to be kept for that Purpoſe, and ſigned by the ſaid Churchwardens and Overſeers hereby directed to account as aforeſaid, under their Hands, of all Sums of Money by them received, or rated and aſſeſſed, and not received; and alſo of all Goods, Chattels, Stock and Materials that ſhall be in their Hands, or in the Hands of any of the Poor, in order to be wrought, and of all Monies paid by ſuch Churchwardens and Overſeers ſo accounting, and of all other Things concerning their ſaid Office; and ſhall alſo pay and deliver over all Sums of Money, Goods, Chattels, and other Things, as ſhall be in their Hands, unto ſuch ſucceeding Overſeers of the Poor; which ſaid Account ſhall be verified by Oath, or by the Affirmation of Perſons called Quakers, before One or more of His Majeſty's Juſtices of the Peace, which ſaid Oath or Affirmation ſuch Juſtice or Juſtices is and are hereby authorized and required to adminiſter, and to ſign and atteſt the Caption of the ſame, at the Foot of the ſaid Account, without Fee or Reward; and the ſaid Book or Books ſhall be carefully preſerved by the Churchwardens and Overſeers, or One of them, in ſome publick or other Place in every Pariſh, Townſhip or Place; and they ſhall and are hereby required to permit any perſon there aſſeſſed, or liable to be aſſeſſed, to inſpect the ſame, at all ſeaſonable Times, paying Six Pence for ſuch Inſpection, and ſhall, upon Demand, forthwith give Copies of the ſame, or any part thereof, to ſuch perſon, paying at the Rate of Six Pence for every Three hundred Words, and ſo in proportion for any greater or leſs Number.

Penalty on Pariſh Officers not accounting as this Act directs.

II. And it is hereby further Enacted, That in caſe ſuch Churchwardens and Overſeers of the Poor, or any of them, ſhall refuſe or neglect to make and yield up ſuch Account, verified as aforeſaid, within the Time herein before limited or appointed, or ſhall refuſe, or neglect to pay and deliver over ſuch Sum or Sums of Money, Goods, Chattels and other Things in their Hands, as by this Act is directed; in either of the ſaid Caſes, it ſhall and may be lawful to and for any Two or more Juſtices of the Peace, to commit him or them to the common Gaol, until he or they ſhall have given ſuch Account, or ſhall have paid and yeilded up ſuch Monies, Goods, Chattels and other Things in their Hands as aforeſaid.

On an Overſeer's dying, *&c.* Two Juſtices to chooſe another.

—Overſeer removing, ſhall deliver his Accounts to the Church wardens, *&c.*

III. And be it further Enacted by the Authority aforeſaid, That if any ſuch Overſeer ſhall die, or remove from the place for which he was appointed, or become inſolvent, before the Expiration of his Office, on Oath thereof made, it ſhall be lawful for two Juſtices of the Peace to appoint another Overſeer in his Stead, who ſhall continue in Office until new Overſeers are appointed; and if any Overſeer ſhall remove as aforeſaid, he ſhall, before ſuch Removal, deliver over to ſome Churchwarden, or other Overſeer of the ſame place, his Accounts verified as aforeſaid, with all Rates, Aſſeſſments, Books, Papers, Sums of Money, and other Things concerning his Office, under the like Penalties as are inflicted by this Act on an Overſeer refuſing to do the ſame after the Expiration of his Office; and if any Overſeer ſhall die as aforeſaid, his Executors or Adminiſtrators ſhall, within Forty Days after his Deceaſe, deliver over all Things concerning his Office to ſome Churchwarden, or other Overſeer of the ſame Place; and ſhall pay out of the Aſſets left by ſuch Overſeer, all Sums of Money remaining due, which he received by

Parochial Settlements for the Poor.

by virtue of his ſaid Office, before any of his other Debts are paid and ſatiſfied.

— Executors of Overſeers to account in 40 Days.

Perſons aggrieved may appeal to the Quarter Seſſions.

IV. And be it further Enacted, That in caſe any perſon or perſons ſhall find him, her, or themſelves aggrieved by any Rate or Aſſeſſment made for the Relief of the Poor, or ſhall have any Material Objection to any perſon or perſons being put on, or left out of ſuch Rate or Aſſeſſment, or to the Sum charged on any perſon or perſons therein, or ſhall have any material Objection to ſuch Account as aforeſaid, or any Part thereof, or ſhall find him, her, or themſelves aggrieved by any Neglect, Act, or Thing done or omitted by the Churchwardens and Overſeers of the Poor, or by any of his Majeſty's Juſtices of the Peace; it ſhall and may be lawful for ſuch perſon or perſons, in any of the Caſes aforeſaid, giving reaſonable Notice to the Churchwardens or Overſeers of the Poor of the Pariſh, Townſhip, or Place, to appeal to the next General or Quarter Seſſions of the Peace for the County, Riding, Diviſion, Corporation, or Franchiſe, where ſuch Pariſh, Townſhip, or Place lies; and the Juſtices of the Peace there aſſembled, are hereby authorized and required to receive ſuch Appeal, and to hear and finally determine the ſame; but if it ſhall appear to the ſaid Juſtices, that reaſonable Notice was not given, then they ſhall adjourn the ſaid Appeal to the next Quarter-ſeſſions, and then and there finally hear and determine the ſame; and the ſaid Juſtices may award and order to the Party, for whom ſuch Appeal ſhall be determined, reaſonable Coſts, in the ſame Manner that they are impowered to do in caſe of Appeals concerning the Settlement of poor perſons, by an Act made in the Eighth and Ninth Years of King William the Third, intituled, An Act for ſupplying ſome Defects in the Laws for the Relief of the Poor of this Kingdom.

8 W. III. c. 30.

Proviſo for Corporations, &c.

V. Provided always, That in all Corporations or Franchiſes, who have not four Juſtices of the Peace, it ſhall and may be lawful for any perſon or perſons, in any of the Caſes aforeſaid, where an Appeal is given by this Act, to appeal, if he or they ſhall think fit, to the next General or Quarter-ſeſſions of the Peace, for the County, Riding, or Diviſion, wherein ſuch Corporation or Franchiſe is ſituate.

How far Juſtices ſhall give Relief on Appeals.

VI. And whereas it hath been held, that upon Appeals from Rates and Aſſeſſments, the Juſtices of the Peace may not only quaſh the old Rates, but make new Rates and Aſſeſſments, from which no Appeal can be had; Be it Enacted by the authority aforeſaid, That upon all Appeals from Rates and Aſſeſſments, the Juſtices of the Peace (where they ſhall ſee juſt Cauſe to give Relief) ſhall and are hereby required to amend the ſame, in ſuch Manner only as ſhall be neceſſary for giving ſuch Relief, without altering ſuch Rates or Aſſeſſments, with reſpect to other Perſons mentioned in the ſame; but if upon an Appeal from the whole Rate, it ſhall be found neceſſary to quaſh or ſet aſide the ſame, then, and in every ſuch Caſe, the ſaid Juſtices ſhall and are hereby required to order and direct the Churchwardens and Overſeers of the Poor to make a new equal Rate or Aſſeſſment, and they are hereby required to make the ſame accordingly.

Clauſe relating to Warrants of Diſtreſs.

VII. And for the more effectual levying Money aſſeſſed for the Relief of the Poor, be it Enacted by the Authority aforeſaid, That the Goods of any perſon aſſeſſed, and refuſing to pay, may be levied by Warrant of Diſtreſs, not only in the place for which ſuch Aſſeſſment was made, but in any other place within the ſame County or Precinct; and if ſufficient Diſtreſs cannot be found within the ſaid County or Precinct, on Oath made thereof before ſome Juſtice of any other County or Precinct (which Oath ſhall be certified under the Hand of ſuch Juſtice on the ſaid Warrant) ſuch Goods may be levied in ſuch other County or Precinct by virtue of ſuch Warrant and Certificate; and if any perſon ſhall find him or herſelf aggrieved by ſuch Diſtreſs as aforeſaid, it ſhall and may be lawful for ſuch perſon to appeal to the next General or Quarter-ſeſſions of the Peace for the County or Precinct where ſuch Aſſeſſment was made, and the Juſtices there are hereby required to hear and finally determine the ſame.

— Appeal to Quarter Seſſions.

Clauſe to prevent vexatious Actions againſt Overſeers.

VIII. And to prevent all vexatious Actions againſt Overſeers of the Poor, be it Enacted by the Authority aforeſaid, That where any Diſtreſs ſhall be made for any Sum or Sums of Money, juſtly due for the Relief of the Poor, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the party or parties making it be deemed a Treſpaſſer or Treſpaſſers, on account of any Defect, or Want of Form in the Warrant for the Appointment of ſuch Overſeers, or in the Rate or Aſſeſſment, or in the Warrant of Diſtreſs thereupon; nor ſhall the party or parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on Account of any Irregularity, which ſhall be afterwards done by the party or parties diſtraining, but the party or parties aggrieved by ſuch Irregularity, ſhall or may recover full Satisfaction for the ſpecial Damage, he, ſhe, or they ſhall have ſuſtained thereby, and no more, in an Action of Treſpaſs, or on the Caſe, at the Election of the Plaintiff or Plaintiffs.

Plaintiffs recovering, to have full Coſts.

IX. Provided always, That where the Plaintiff or Plaintiffs ſhall recover in ſuch Action, he, ſhe, or they ſhall be paid his, her, or their full Coſts of Suit, and have all the like Remedies for the ſame, as in other Caſes of Coſts.

Proviſo in caſe of Irregularity.

X. Provided nevertheleſs, That no plaintiff or plaintiffs ſhall recover in any Action for any ſuch Irregularity as aforeſaid, if Tender of Amends hath been made by the party or parties diſtraining, before ſuch Action brought.

Succeeding Overſeers to levy Arrears, to reimburſe the former.

XI. And be it further Enacted by the Authority aforeſaid, That in caſe any perſon or perſons ſhall refuſe or neglect to pay to ſuch Overſeers as aforeſaid, any Sum or Sums of Money that he, ſhe, or they ſhall be legally rated or aſſeſſed to, it ſhall and may be lawful to and for the ſucceeding Overſeers, and they are hereby required to levy ſuch Arrears, and out of the Money ſo levied to reimburſe their Predeceſſors all Sums of Money which they have expended for the Uſe of the Poor, and which are allowed to be due to them in their Accounts, as aforeſaid.

Clauſe concerning Perſons removing out of Pariſhes.

XII. And whereas Perſons frequently remove out of Pariſhes and Places, without paying the Rates aſſeſſed on them, and other Perſons do enter and occupy their Houſes or Tenements Part of the Year, by Reaſon whereof great Sums are annually loſt to ſuch Pariſhes and Places; be it therefore enacted by the Authority aforeſaid, That where any Perſon or Perſons ſhall come into, or occupy any Houſe, Land, Tenement, or Hereditament, or other Premiſſes, out of or from which any other Perſon aſſeſſed ſhall be removed, or which at the Time of making ſuch Rate was empty or unoccupied, that then every Perſon ſo removing from, and every Perſon ſo coming into or occupying the ſame, ſhall be liable to pay to ſuch Rate, in Proportion to the Time that ſuch Perſon occupied the ſame reſpectively, in the ſame Manner, and under the like Penalty of Diſtreſs, as if ſuch Perſon ſo removing had not removed, or ſuch Perſon ſo coming in or occupying, had been originally rated and aſſeſſed in ſuch Rate; which ſaid Proportion, in caſe of Diſpute, ſhall be aſcertained by any Two or more of His Majeſty's Juſtices of the Peace.

Copies of Rates to be entered in a Book,

—to be kept for publick Peruſal.

XIII. And be it further enacted by the Authority aforeſaid, That true and juſt Copies of all Rates and Aſſeſſments, hereafter to be made for the Relief of the Poor, be fairly wrote and entered in a Book or Books, to be provided for that Purpoſe, by the Churchwardens and Overſeers of the Poor of every Pariſh, Townſhip, or Place, who ſhall take Care that ſuch Copies be wrote and entered accordingly, within Fourteen Days after all Appeals from ſuch Rates are determined, and ſhall atteſt the ſame by putting their Names thereto; and all and every ſuch Book or Books ſhall be carefully preſerved by the Churchwardens and Overſeers of the Poor for the time being, or One of them, in ſome publick or other Place, in every ſuch Pariſh, Townſhip, or Place, whereto all Perſons aſſeſſed, or liable to be aſſeſſed, may freely reſort, and ſhall be delivered over from time to time to the new and ſucceeding Churchwardens and Overſeers of the Poor, as ſoon as they enter into their ſaid Offices, to be preſerved as aforeſaid, and ſhall be produced by them at the General or Quarter-Seſſions, when any Appeal is to be heard or determined.

Penalty on Pariſh Officers not obeying this Act.

XIV. And be it further enacted by the Authority aforeſaid, That if any Churchwarden, Overſeer of the Poor, or other Officer of any Pariſh, Townſhip, or Place, ſhall neglect or refuſe to obey and perform the ſeveral Orders and Directions of this Act, or any of them, where no Penalty is before provided by this Act, or ſhall act contrary thereto; every ſuch Churchwarden, Overſeer of the Poor, or other Officer ſo offending in the Premiſſes, ſhall, for every ſuch Offence, on Oath thereof made, within Two Calendar Months after the Offence committed, before any Two or more of His Majeſty's Juſtices of the Peace, forfeit, for the Uſe of the Poor of ſuch Pariſh, Townſhip, or Place, a Sum not exceeding Five Pounds, nor leſs than Twenty Shillings, to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant from ſuch Juſtices; which Sum ſhall be paid to ſome Churchwarden or Overſeer of the Poor of ſuch Pariſh, Townſhip, or Place, for the Purpoſe aforeſaid.

Power of Overſeers, where there are no Churchwardens.

XV. And be it further enacted by the Authority aforeſaid, That Overſeers of the Poor, within every Townſhip or Place where there are no Churchwardens, ſhall from time to time do, perform, and execute all and every the Acts, Powers, and Authorities, concerning the Relief of, and other Matters and Things relating to the Poor, as Churchwardens and Overſeers of the Poor may do, perform, and execute by this Act, or any former Statute concerning the Poor, and ſhall loſe, forfeit, and ſuffer all ſuch Pains and Penalties for Neglect, Abuſe, or Nonperformance thereof, as Churchwardens and Overſeers of the Poor are liable to, by virtue of this or any former Statute concerning the Poor.

A.D.1748.

21 Georg. II. Cap. 10.

An Act for explaining, amending, and further enforcing the Execution of an Act paſſed in the laſt Seſſion of Parliament, intituled, An Act for repealing ſeveral Rates and Duties upon Houſes, Windows, and Lights; and for granting to his Majeſty other Rates and Duties upon Houſes, Windows, or Lights; and for raiſing the Sum of Four Millions four hundred thouſand Pounds by Annuities, to be charged on the ſaid Rates or Duties.

None to gain a Settlement by Payment of the Window Tax.

XIII. And be it further Enacted by the Authority aforeſaid, That the Payment of any of the Rates and Duties granted by the ſaid Act, by any Occupier or Occupiers of any Dwelling-houſe or Houſes in any pariſh or place, ſhall not entitle the perſon or perſons ſo paying ſuch Rates or Duties to a legal Settlement in ſuch pariſh or place.

A.D.1758.

31 Georg. II. Cap. 11.

An Act to amend an Act made in the Third Year of the Reign of King William *and Queen* Mary, *intituled,* An Act for the better Explanation, and ſupplying the Defects of the former Laws for the Settlement of the Poor, *ſo far as the ſame relates to Apprentices gaining a Settlement by Indenture; and alſo to impower Juſtices of the Peace to determine Differences between Maſters and Miſtreſſes and their Servants in Huſbandry, touching their Wages, though ſuch Servants are hired for leſs Time than a Year.*

Whereas by an Act made in the Third Year of the Reign of King William and Queen Mary, intituled, An Act for the better Explanation, and ſupplying the Defects of the former Laws for the Settlement of the Poor, it is Enacted, That if any Perſon ſhall be bound an Apprentice by Indenture, and inhabit in any Town or Pariſh, ſuch Binding and Inhabitation ſhall be adjudged a good Settlement: And whereas ſince the making the ſaid Act, great Numbers of Perſons have been unwarily bound Apprentices by certain Deeds, Writings, or Contracts, not indented, by which binding many of them have ſuffered great Loſs and Damage, on Account of their having been refuſed a Settlement in ſuch Town or Pariſh, where they have been ſo bound and reſided Forty Days, and have been removed to the Pariſh or Place where their laſt legal Settlement was before ſuch Apprenticeſhip, where they have had no Encouragement to exerciſe their Trades, or Opportunity to gain a Livelihood by their ſaid Trades, to which they were ſo bound Apprentices: For Relief therefore of ſuch Apprentices, and for preventing the like Miſchief for the future; be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Perſon who ſhall have been bound an Apprentice, or who ſhall hereafter be bound an Apprentice, by any Deed, Writing, or Contract, not indented, being firſt legally ſtamped, ſhall be liable to be removed from the Town, Pariſh, or Place, where he or ſhe ſhall have been ſo bound an Apprentice, and reſident Forty Days, by virtue of any Order of Removal, granted by Two Juſtices of the Peace, of any County, Riding, Diviſion, City, Borough, Town Corporate, or Place; or by virtue of any Order of the Juſtices at their General or Quarter Seſſions, by Reaſon or on Account of ſuch Deed, Writing, or Contract, not being indented only.

Perſon bound Apprentice by Deed, *&c.* though not indented, being firſt duly ſtamped, is intitled to a Settlement where apprenticed.

Judgment, *&c.* to the contrary made before 1 *May*, 1758, not to be avoided hereby.

II. Provided nevertheleſs, That nothing herein before Enacted, ſhall extend, or be conſtrued to extend, to ſet aſide or make void, any Judgement, Order, or Decree, which ſhall have been made as aforeſaid, before the Firſt Day of May, One thouſand ſeven hundred and fifty eight.

TIT. X.

Solemn TIMES of Divine Service in the CHURCH of ENGLAND.

CAP. I.

Due Obſervation of the LORD's DAY.

Pag. 238. *After Stat.* 3 *Car. I. Cap.* 1. *inſert,*

Continued indefinitely by Stat. 16 Car. I. Cap. 4.

Ibid. After Stat. 13 *Car. II. Cap.* 9. *add,*

22 Georg. II. Cap. 33.

Pag. 240. *inſert,*

9 Annæ, Cap. 23. A.D. 1710.

In an Act, Entituled, *An Act for licenſing and regulating Hackney Coaches and Chairs; and for charging certain new Duties upon ſtampt Vellum, Parchment, and Paper, and on Cards and Dice, and on the Exportation of Rock Salt for* Ireland; *and for ſecuring thereby, and by a weekly Payment out of the Poſt Office, and by ſeveral Duties on Hides and Skins, a yearly Fund of One hundred eighty ſix thouſand ſix hundred and ſeventy Pounds, for thirty two Years, to be applied to the Satisfaction of ſuch Orders as are therein mentioned, to the Contributors of any Sum not exceeding Two Millions, to be raiſed for carrying on the War, and other her Majeſty's Occaſions.*

Coachmen, &c. may ply on the Lord's Day. XX. And whereas by an Act of Parliament made in the Twenty-ninth Year of the Reign of King Charles the Second, and other Acts formerly made for the better Obſervation of the Lord's Day, commonly called Sunday, the ſtanding to hire, and driving Hackney Coaches, and the ſtanding to hire, and carrying of Chairs, on the Lord's Day, are or may be underſtood to be forbidden or reſtrained: And whereas the ſaid Reſtraint is many Times found inconvenient, as well in order to the Obſervation of the Day, as otherwiſe; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Licenſed Hackney Coachman, or his Driver, or any Chairmen, to ply and ſtand with their Coaches and Chairs, and to drive and carry the ſame, reſpectively, on the Lord's Day, within the Limits of the ſaid Weekly Bills of Mortality; the ſaid former Acts, or any of them, or any Conſtruction thereupon to the contrary notwithſtanding.

CAP. II.

Obſervation of SUNDAYS *and* HOLYDAYS, *jointly.*

Pag. 241. *After Stat.* 11 *Henr. IV. Cap.* 4. *inſert,*

33 Henr. VIII. Cap. 9. A.D. 1741.

In an Act, Entituled, *The Bill for the maintaining Artillery and the Debarring of unlawful Games.*

All other Statutes made againſt un- XVII. And be it further enacted by the authority aforeſaid, That all other ſtatutes made for the reſtraint of unlawful games, or for the maintenance of artillery, as touch-

touching the penalties or forfeitures of the ſame, ſhall be from henceforth utterly void. And that all informations, plaints, actions or ſuits that ſhall be taken or ſued upon any part of this ſtatute, ſhall be commenced within the year after the offence committed and done, or otherwiſe no advantage or ſuit thereof to be taken.

lawful Games, and for the maintenance of Artillery, repealed.

A.D.1623.

21 Jac. I. Cap. 28.

In an Act, Entituled, *An Act for continuing and reviving of divers Statutes and repealing of divers others.*

XI. And ſeven ſeveral Acts and Statutes made in the twelfth Year of the Reign of the late King Richard the Second, whereof the —— fourth concerneth Servants —— uſing unlawful Games.

Repeal of Statute, 12 *Ric.* II. c. 6.

CAP. III, IV, V.

Obſervation of Feasts *and* Fasts, *jointly, and in particular.*

A.D.1751.

24 Georg. II. Cap. 23.

An Act for regulating the Commencement of the Year; and for Correcting the Calendar now in Uſe.

Whereas the legal Supputation of the Year of our Lord in that Part of Great Britain called England, according to which the Year beginneth on the Twenty fifth Day of March, hath been found by Experience to be attended with divers Inconveniencies, not only as it differs from the Uſage of neighbouring Nations, but alſo from the legal Method of Computation in that Part of Great Britain called Scotland, and from the common Uſage throughout the whole Kingdom, and thereby frequent Miſtakes are occaſioned in the Dates of Deeds, and other Writings, and Diſputes ariſe therefrom: And whereas the Calendar now in Uſe throughout all His Majeſty's Britiſh Dominions, commonly called The Julian Calendar, hath been diſcovered to be erroneous, by means whereof the Vernal or Spring Equinox, which at the Time of the General Council of Nice, in the Year of our Lord Three hundred and twenty five, happened on or about the Twenty firſt Day of March, now happens on the Ninth or Tenth Day of the ſame Month; and the ſaid Error is ſtill increaſing, and if not remedied, would, in Proceſs of Time, occaſion the ſeveral Equinoxes and Solſtices to fall at very different Times in the Civil Year from what they formerly did, which might tend to miſlead Perſons ignorant of the ſaid Alteration: And whereas a Method of correcting the Calendar in ſuch Manner as that the Equinoxes and Solſtices may for the future fall nearly on the ſame Nominal Days, on which the ſame happened at the Time of the ſaid General Council, hath been received and eſtabliſhed, and is now generally practiſed, by almoſt all other Nations of Europe: And whereas it will be of general Convenience to Merchants, and other Perſons correſponding with other Nations and Countries, and tend to prevent Miſtakes and Diſputes in or concerning the Dates of Letters, and Accounts, if the like Correction be received and eſtabliſhed in His Majeſty's Dominions: May it therefore pleaſe your Majeſty, that it may be Enacted; and be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That in and throughout all His Majeſty's Dominions and Countries in Europe, Aſia, Africa, and America, belonging or ſubject to the Crown of Great Britain, the ſaid Supputation, according to which the Year of our Lord beginneth on the Twenty fifth Day of March, ſhall not be made uſe of from and after the laſt Day of December, One thouſand ſeven hundred and fifty one; and that the Firſt Day of January, next following the ſaid laſt Day of December, ſhall be reckoned, taken, deemed, and accounted, to be the firſt Day of the Year of our Lord One thouſand ſeven hundred and fifty two; and the Firſt Day of January, which ſhall happen next after the ſaid Firſt Day of January, One thouſand ſeven hundred and fifty two, ſhall be reckoned, taken, deemed, and accounted to be the firſt Day of the Year of our Lord, One thouſand ſeven hundred and

The old Supputation of the Year, not to be made uſe of after the laſt Day of *Dec.*1751.

Year to commence, for the future, on 1 *Jan.*

The Days to be numbered in the ſame Order, and the Moveable Feaſts to be aſcertained, as they now are, until 2 *Sept.* 1752 incluſive; and the Day following to be accounted 14 *Sept.* omitting for that Time the intermediate 11 Nominal Days.

All Writings after 1 *Jan.* 1752, to be dated according to the New Stile.

Hilary and *Michaelmas* Terms, and all Courts, to be held on the ſame Nominal Days and Times they now are, after the ſaid 2 *Sept.*

Courts held with Fairs or Marts excepted.

and fifty three; and ſo on, from time to time, the Firſt Day of January in every Year, which ſhall happen in Time to come, ſhall be reckoned, taken, deemed, and accounted, to be the firſt Day of the Year; and that each New Year ſhall accordingly commence, and begin to be reckoned, from the firſt Day of every ſuch Month of January next preceding the Twenty fifth Day of March, on which ſuch Year would, according to the preſent Supputation, have begun or commenced: And that from and after the ſaid Firſt Day of January, One thouſand ſeven hundred and fifty two, the ſeveral Days of each Month ſhall go on, and be reckoned and numbered in the ſame Order; and the Feaſt of Eaſter, and other Moveable Feaſts thereon depending, ſhall be aſcertained according to the ſame Method as they now are, until the Second Day of September, in the ſaid Year One thouſand ſeven hundred and fifty two incluſive; and that the Natural Day next immediatly following the ſaid Second Day of September, ſhall be called, reckoned, and accounted, to be the Fourteenth Day of September, omitting for that Time only the Eleven intermediate Nominal Days of the Common Calendar; and that the ſeveral Natural Days, which ſhall follow and ſucceed next after the ſaid Fourteenth Day of September, ſhall be reſpectively called, reckoned, and numbered forwards in Numerical Order from the ſaid Fourteenth Day of September, according to the Order and Succeſſion of Days now uſed in the preſent Calendar; and that all Acts, Deeds, Writings, Notes, and other Inſtruments of what Nature or Kind ſoever, whether Eccleſiaſtical or Civil, Publick or Private, which ſhall be made, executed, or ſigned, upon or after the ſaid Firſt Day of January, One thouſand ſeven hundred and fifty two, ſhall bear Date according to the ſaid New Method of Supputation, and that the Two fixed Terms of Saint Hilary and Saint Michael, in that Part of Great Britain called England, and the Courts of Great Seſſions in the Counties Palatine, and in Wales, and alſo the Courts of General Quarter Seſſions and General Seſſions of the Peace, and all other Courts of what Nature or Kind ſoever, whether Civil, Criminal, or Eccleſiaſtical, and all Meetings and Aſſemblies of any Bodies Politick or Corporate, either for the Election of any Officers or Members thereof, or for any ſuch Officers entering upon the Execution of their reſpective Offices, or for any other Purpoſe whatſoever, which by any Law, Statute, Charter, Cuſtom, or Uſage within this Kingdom, or within any other the Dominions or Countries ſubject or belonging to the Crown of Great Britain, are to be holden and kept on any fixed or certain Day of any Month, or on any Day depending upon the Beginning, or any certain Day, of any Month (except ſuch Courts as are uſually holden or kept with any Fairs or Marts) ſhall, from time to time, from and after the ſaid Second Day of September, be holden and kept upon, or according to the ſame reſpective Nominal Days and Times, whereon, or according to which, the ſame are now to be holden, but which ſhall be computed according to the ſaid New Method of numbering and reckoning the Days of the Calendar as aforeſaid; that is to ſay, Eleven Days ſooner than the reſpective Days whereon the ſame are now holden and kept; any Law, Statute, Charter, Cuſtom, or Uſage, to the contrary thereof in any wiſe notwithſtanding.

Hundredth Years, except every Fourth Hundred, to be deemed Common Years conſiſting of 365 Days.

Years which are to be accounted Biſſextile or Leap Years, conſiſting of 366 Days.

II. And for the continuing and preſerving the Calendar or Method of Reckoning, and computing the Days of the Year in the ſame regular Courſe, as near as may be, in all Times coming; be it further Enacted by the Authority aforeſaid, That the ſeveral Years of our Lord, One thouſand eight hundred, One thouſand nine hundred, Two thouſand one hundred, Two thouſand two hundred, Two thouſand three hundred, or any other Hundredth Years of our Lord, which ſhall happen in Time to come, except only every Fourth hundredth Year of our Lord, whereof the Year of our Lord Two thouſand ſhall be the Firſt, ſhall not be eſteemed or taken to be Biſſextile or Leap Years, but ſhall be taken to be Common Years, conſiſting of Three hundred and ſixty five Days, and no more; and that the Years of our Lord, Two thouſand, Two thouſand four hundred, Two thouſand eight hundred, and every other Fourth hundredth Year of our Lord, from the ſaid Year of our Lord Two thouſand incluſive, and alſo all other Years of our Lord, which by the preſent Supputation are eſteemed to be Biſſextile or Leap Years, ſhall, for the future, and in all Times to come, be eſteemed and taken to be Biſſextile or Leap Years, conſiſting of Three hundred and ſixty ſix Days, in the ſame ſort and manner as is now uſed with reſpect to every Fourth Year of our Lord.

III. And whereas according to the Rule prefixed to the Book of Common Prayer of the Church of England, Eaſter-Day is always the Firſt Sunday after the Firſt Full Moon which happens next after the One and twentieth Day of March, and if the Full Moon happens upon a Sunday, Eaſter-day is the Sunday after; which Rule was made in Conformity to the Decree of the ſaid General Council of Nice, for the Celebration of the ſaid Feaſt of Eaſter: And whereas the Method of computing the Full Moons now uſed in the Church of England, and according to which the Table to find Eaſter for ever, prefixed to the ſaid Book of Common Prayer, is formed, is by Proceſs of Time become conſiderably erroneous: And whereas a Calen-

Obſervation of Feaſts and Faſts, jointly, and in particular.

Calendar, and alſo certain Tables and Rules for the fixing the true Time of the Celebration of the ſaid Feaſt of Eaſter, and the finding the Times of the Full Moons on which the ſame dependeth, ſo as the ſame ſhall agree, as nearly as may be, with the Decree of the ſaid General Council, and alſo with the Practice of foreign Countries, have been prepared, and are hereunto annexed; be it therefore further enacted by the Authority aforeſaid, That the ſaid Feaſt of Eaſter, or any of the Moveable Feaſts thereon depending, ſhall, from and after the ſaid Second Day of September, be no longer kept or obſerved in that Part of Great Britain called England, or in any other the Dominions or Countries ſubject or belonging to the Crown of Great Britain, according to the ſaid Method of Supputation now uſed, or the ſaid Table prefixed to the ſaid Book of Common Prayer; and that the ſaid Table, and alſo the Column of Golden Numbers, as they are now prefixed to the reſpective Days of the Month in the ſaid Calendar, ſhall be left out in all future Editions of the ſaid Book of Common Prayer; and that the ſaid New Calendar, Tables, and Rules, hereunto annexed, ſhall be prefixed to all ſuch future Editions of the ſaid Book, in the Room and Stead thereof; and that from and after the ſaid Second Day of September, all and every the fixed Feaſt-days, Holy-days, and Faſt-days, which are now kept and obſerved by the Church of England, and alſo the ſeveral ſolemn Days of Thankſgiving, and of Faſting and Humiliation, which by virtue of any Act of Parliament now in being, are, from time to time, to be kept and obſerved, ſhall be kept and obſerved on the reſpective Days marked for the Celebration of the ſame in the ſaid New Calendar; that is to ſay, On the ſame reſpective Nominal Days on which the ſame are now kept and obſerved; but which, according to the Alteration by this Act intended to be made, as aforeſaid, will happen Eleven Days ſooner than the ſame now do; and that the ſaid Feaſt of Eaſter, and all other Moveable Feaſts thereon depending, ſhall, from time to time, be obſerved and celebrated according to the ſaid New Calendar, Tables, and Rules, hereunto annexed, in that Part of Great Britain called England, and in all the Dominions and Countries aforeſaid, wherein the Liturgy of the Church of England now is, or hereafter ſhall be uſed; and that the Two Moveable Terms of Eaſter and Trinity, and all Courts of what Nature or Kind ſoever, and all Meetings and Aſſemblies of any Bodies Politick or Corporate, and all Markets, Fairs, and Marts, and Courts thereunto belonging, which by any Law, Statute, Charter, Cuſtom, or Uſage, are appointed, uſed, or accuſtomed to be holden and kept at any Moveable Time or Times depending upon the Time of Eaſter, or any other ſuch Moveable Feaſts, as aforeſaid, ſhall, from time to time, from and after the ſaid Second Day of September, be holden and kept on ſuch Days and Times whereon the ſame ſhall reſpectively happen or fall, according to the happening or falling of the ſaid Feaſt of Eaſter, or ſuch other Moveable Feaſts, as aforeſaid, to be computed according to the ſaid New Calendar, Tables, and Rules.

Eaſter, and the other Moveable Feaſts, not to be obſerved after the ſaid 2 *September*; according to the Table now prefix'd to the Book of Common Prayer; — and the ſaid Table, and the Column of Golden Numbers, to be left out in all future Editions of that Book, and the New Calendar, Tables, and Rules, to be prefixed, in the Room thereof.

The Feaſts and Faſts, *&c.* of the Church to be obſerved after the ſaid 2 *Sept.* according to the New Calendar.

IV. And be it further Enacted by the Authority aforeſaid, That the ſeveral Meetings of the Court of Seſſion, and Terms fixed for the Court of Exchequer in Scotland; the April Meeting of the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens; and the holding and keeping of all Markets, Fairs, and Marts, whether for the Sale of Goods or Cattle, or for the hiring of Servants, or for any other purpoſe, which are either fixed to certain Nominal Days of the Month, or depending upon the Beginning, or any certain Day, of any Month; and all Courts incident or belonging to, or uſually holden or kept with any ſuch Fairs or Marts, fixed to ſuch certain Times as aforeſaid, ſhall not, from and after the ſaid Second Day of September, be continued upon, or according to the Nominal Days of the Month, or the Time of the Beginning of any Month, to be computed according to the ſaid New Calendar; but that from and after the ſaid Second Day of September, the ſaid Courts of Seſſion and Exchequer, the ſaid April Meeting, and all ſuch Markets, Fairs, and Marts as aforeſaid, and all Courts incident or belonging thereto, ſhall be holden and kept upon, or according to, the ſame Natural Days, upon, or according to which the ſame ſhould have been ſo kept or holden, in caſe this Act had not been made; that is to ſay, Eleven Days later than the ſame would have happened, according to the Nominal Days of the ſaid New Supputation of Time, by which the Commencement of each Month, and the Nominal Days thereof, are anticipated or brought forward, by the Space of Eleven Days; any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

Courts of Seſſion and *Exchequer* in *Scotland*, and Markets, Fairs, and Marts, to be held upon the ſame Natural Days they ſhould have been holden on, if this Act had not been made.

V. And whereas, according to divers Cuſtoms, Preſcriptions, and Uſages, in certain Places within this Kingdom, certain Lands and Grounds are, on particular Nominal Days and Times in the Year, to be opened for Common of Paſture, and other Purpoſes; and at other Times, the Owners and Occupiers of ſuch Lands and Grounds have a Right to incloſe or ſhut up the ſame, for their own private Uſe; and there is in many other Inſtances, a temporary and diſtinct Property and Right veſted in different Perſons, in and to many ſuch Lands and Grounds, *Obſervation of Feaſts and Faſts, jointly, and in particular.*

The Natural Days and Times for the opening and incloſing of Commons of Paſture, not altered by this Act.

Grounds, according to certain Nominal Days and Times in the Year: And whereas the anticipating or bringing forward the ſaid Nominal Days and Times, by the Space of Eleven Days, according to the ſaid New Method of Supputation, might be attended with many Inconveniencies; be it therefore further declared, provided, and Enacted, by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to accelerate or anticipate the Days or Times for the opening, incloſing, or ſhutting up any ſuch Lands or Grounds as aforeſaid, or the Days or Times on which any ſuch temporary or diſtinct Property or Right in or to any ſuch Lands or Grounds as aforeſaid is to commence; but that all ſuch Lands and Grounds as aforeſaid, ſhall, from and after the ſaid Second Day of September, be, from time to time, reſpectively opened, incloſed, or ſhut up, and ſuch temporary and diſtinct Property and Right in and to ſuch Lands and Grounds as aforeſaid, ſhall commence and begin upon the ſame Natural Days and Times on which the ſame ſhould have been ſo reſpectively opened, incloſed, or ſhut up, or would have commenced or begun, in caſe this Act had not been made; that is to ſay, Eleven Days later than the ſame would have happened, according to the ſaid New Account and Supputation of Time, ſo to begin on the ſaid Fourteenth Day of September as aforeſaid.

The Natural Days and Times of Payment of Rents, Annuities, Sums of Money, or Intereſt,

—or of the Delivery of Goods, —Commencement or Expiration of Leaſes, *&c.*

—or of attaining the Age of 21 Years, *&c.* not altered by this Act.

VI. Provided alſo, and it is hereby further declared and enacted, That nothing in this preſent Act contained ſhall extend, or be conſtrued to extend, to accelerate or anticipate the Time of Payment of any Rent or Rents, Annuity or Annuities, or Sum or Sums of Money whatſoever, which ſhall become payable by virtue or in conſequence of any Cuſtom, Uſage, Leaſe, Deed, Writing, Bond, Note, Contract, or other Agreement whatſoever, now ſubſiſting, or which ſhall be made, ſigned, ſealed, or entered into, at any Time before the ſaid Fourteenth Day of September, or which ſhall become payable by virtue of any Act or Acts of Parliament now in Force, or which ſhall be made before the ſaid Fourteenth Day of September, or the Time of doing any Matter or Thing directed or required by any ſuch Act or Acts of Parliament to be done in relation thereto; or to accelerate the Payment of, or increaſe the Intereſt of, any ſuch Sum of Money which ſhall become payable as aforeſaid; or to accelerate the Time of the Delivery of any Goods, Chattles, Wares, Merchandize, or other Things whatſoever; or the Time of the Commencement, Expiration, or Determination of any Leaſe or Demiſe of any Lands, Tenements, or Hereditaments, or of any other Contract or Agreement whatſoever; or of the accepting, ſurrendering, or delivering up the Poſſeſſion of any ſuch Lands, Tenements, or Hereditaments; or the Commencement, Expiration, or Determination of any Annuity or Rent; or of any Grant for any Term of Years, of what Nature or Kind ſoever, by virtue or in conſequence of any ſuch Deed, Writing, Contract, or Agreement; or the Time of the attaining the Age of One and twenty Years, or any other Age requiſite by any Law, Cuſtom, or Uſage, Deed, Will, or Writing whatſoever, for the doing any Act, or for any other Purpoſe whatſoever, by any Perſon or Perſons now born, or who ſhall be born before the ſaid Fourteenth Day of September, or the Time of the Expiration or Determination of any Apprenticeſhip, or other Service, by virtue of any Indenture, or of any Articles under Seal, or by reaſon of any ſimple Contract or Hiring whatſoever; but that all and every ſuch Rent and Rents, Annuity and Annuities, Sum and Sums of Money, and the Intereſt thereof, ſhall remain and continue to be due and payable; and the Delivery of ſuch Goods and Chattels, Wares, and Merchandize ſhall be made; and the ſaid Leaſes and Demiſes of all ſuch Lands, Tenements, and Hereditaments, and the ſaid Contracts and Agreements, ſhall be deemed to commence, expire, and determine; and the ſaid Lands, Tenements, and Hereditaments, ſhall be accepted, ſurrendered, and delivered up; and the ſaid Rents and Annuities, and Grants for any Term of Years, ſhall commence, ceaſe, and determine, at and upon the ſame reſpective Natural Days and Times, as the ſame ſhould and ought to have been payable or made, or would have happened, in caſe this Act had not been made; and that no further or other Sum ſhall be paid or payable for the Intereſt of any Sum of Money whatſoever, than ſuch Intereſt ſhall amount unto, for the true Number of Natural Days for which the Principal Sum, bearing ſuch Intereſt, ſhall continue due and unpaid; and that no Perſon or Perſons whatſoever ſhall be deemed or taken to have attained the ſaid Age of One and twenty Years, or any other ſuch Age, as aforeſaid, or to have completed the Time of any ſuch Service, as aforeſaid, until the full Number of Years and Days ſhall be elapſed on which ſuch Perſon or Perſons reſpectively would have attained ſuch Age, or would have completed the Time of ſuch Service, as aforeſaid, in caſe this Act had not been made; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

The

The New Calendar, Tables and Rules, mentioned and referred to in the Act for regulating the Commencement of the Year; and for correcting the Calendar now in Uſe.

The Calendar, with the Table of Leſſons.

JANUARY hath xxxi Days.

				Morning Prayer		Evening Prayer	
				1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
1	A	Calendæ	**Circumciſion** ---	———	———	———	———
2	b	4 Non.	———	Geneſis 1	Matth. 1	Geneſis 2	Rom. – 1
3	c	3 Non.	———	—3	—2	—4	—2
4	d	Pr. Non.	———	—5	—3	—6	—3
5	e	Nonæ	———	—7	—4	—8	—4
6	f	8 Id.	**Epiphany** -----	———	———	———	———
7	g	7 Id.	———	—9	—5	—12	—5
8	A	6 Id.	Lucian, P. & M.	—13	—6	—14	—6
9	b	5 Id.	———	—15	—7	—16	—7
10	c	4 Id.	———	—17	—8	—18	—8
11	d	3 Id.	———	—19	—9	—20	—9
12	e	Pr. Id.	———	—21	—10	—22	—10
13	f	Idus.	Hilary, Biſh. & C.	—23	—11	—24	—11
14	g	19 Cal. Feb.	———	—25	—12	—26	—12
15	A	18 Cal.	———	—27	—13	—28	—13
16	b	17 Cal.	———	—29	—14	—30	—14
17	c	16 Cal.	———	—31	—15	—32	—15
18	d	15 Cal.	Priſca, R. V. & M.	—33	—16	—34	—16
19	e	14 Cal.	———	—35	—17	—37	1 Cor. – 1
20	f	13 Cal.	Fabian, B. & M.	—38	—18	—39	—2
21	g	12 Cal.	Agnes, R. V. M.	—40	—19	—41	—3
22	A	11 Cal.	Vincent, S. D. M.	—42	—20	—43	—4
23	b	10 Cal.	———	—44	—21	—45	—5
24	c	9 Cal.	———	—46	—22	—47	—6
25	d	8 Cal.	**Converſion of**	———	———	———	———
26	e	7 Cal.	-------- **S. Paul.**	—48	—23	—49	—7
27	f	6 Cal.	———	—50	—24	Exodus 1	—8
28	g	5 Cal.	———	Exodus 2	—25	—3	—9
29	A	4 Cal.	———	—4	—26	—5	—10
30	b	3 Cal.	**King Charles**	—† 6	—27	—7	—11
31	c	Pr. Cal.	----------- **Mart.**	—8	—28	—9	—12

Note, That † Exodus vi. is to be read only to Ver. 14.

The Calendar, with the Table of Leſſons.

FEBRUARY hath xxviii Days, and in every Leap-Year xxix Days.

				Morning Prayer.		Evening Prayer.	
				1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
1	d	Calendæ	——— *Faſt.*	Exod. 10	Mark – 1	Exod. 11	1 Cor. 13
2	e	4 Non.	**Purific. V. M.**	———	—2	———	—14
3	f	3 Non.	Blaſius, B. & M.	—12	—3	—13	—15
4	g	Pr. Non.	———	—14	—4	—15	—16
5	A	Nonæ	Agatha, Sicil. V.	—16	—5	—17	2 Cor. – 1
6	b	8 Id.	———	—18	—6	—19	—2
7	c	7 Id.	———	—20	—7	—21	—3
8	d	6 Id.	———	—22	—8	—23	—4
9	e	5 Id.	———	—24	—9	—32	—5
10	f	4 Id.	———	—33	—10	—34	—6
11	g	3 Id.	———	Lev. – 18	—11	Lev. – 19	—7
12	A	Pr. Id.	———	—20	—12	—26	—8
13	b	Idus.	———	Num. 11	—13	Num. 12	—9
14	c	16 Cal. Mar.	Valent. B. & M.	—13	—14	—14	—10
15	d	15 Cal.	———	—16	—15	—17	—11
16	e	14 Cal.	———	—20	—16	—21	—12
17	f	13 Cal.	———	—22	Lu. 1 *to* 39	—23	—13
18	g	12 Cal.	———	—24	1. *ver.* 39	—25	Gal. — 1
19	A	11 Cal.	———	—27	—2	—30	—2
20	b	10 Cal.	———	—31	—3	—32	—3
21	c	9 Cal.	———	—35	—4	—36	—4
22	d	8 Cal.	———	Deut. – 1	—5	Deut. – 2	—5
23	e	7 Cal.	——— *Faſt.*	—3	—6	—4	—6
24	f	6 Cal.	**S. Matthias.**	———	—7	———	Epheſ. 1
25	g	5 Cal.	———	—5	—8	—6	—2
26	A	4 Cal.	———	—7	—9	—8	—3
27	b	3 Cal.	———	—9	—10	—10	—4
28	c	Pr. Cal.	———	—11	—11	—12	—5
29		———	———	—13	Matth. 7	—14	Rom. 12

The Calendar, with the Table of Leſſons.

MARCH hath xxxi Days.

					Morning Prayer.		Evening Prayer.	
					1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
	1	d	Calendæ	David, A B.M.	Deut. 15	Luke 12	Deut. 16	Epheſ. 6
	2	e	6 Non.	Chad, B. of L.	——17	——13	——18	Phil. —1
	3	f	5 Non.	——	——19	——14	——20	——2
	4	g	4 Non.	——	——21	——15	——22	——3
	5	A	3 Non.	——	——24	——16	——25	——4
	6	b	Pr. Non.	——	——26	——17	——27	Col. — 1
	7	c	Nonæ	Perpetua M.	——28	——18	——29	——2
	8	d	8 Id.	——	——30	——19	——31	——3
	9	e	7 Id.	——	——32	——20	——33	——4
	10	f	6 Id.	——	——34	——21	Joſhua 1	1 Theſ. 1
	11	g	5 Id.	——	Joſhua 2	——22	——3	——2
	12	A	4 Id.	Greg. M. B.	——4	——23	——5	——3
	13	b	3 Id.	——	——6	——24	——7	——4
	14	c	Pr. Id.	——	——8	John —1	——9	——5
	15	d	Idus.	——	——10	——2	——23	2 Theſ. 1
	16	e	17 Cal. Apr.	——	——24	——3	Judges 1	——2
	17	f	16 Cal.	——	Judges 2	——4	——3	——3
	18	g	15 Cal.	Ed. K. Weſt. S.	——4	——5	——5	1 Tim. 1
	19	A	14 Cal.	——	——6	——6	——7	——2, 3
	20	b	13 Cal.	——	——8	——7	——9	——4
14	21	c	12 Cal.	Benedict, Ab.	——10	——8	——11	——5
3	22	d	11 Cal.	——	——12	——9	——13	——6
	23	e	10 Cal.	——	——14	——10	——15	2 Tim. 1
11	24	f	9 Cal.	——- *Faſt.*	——16	——11	——17	——2
	25	g	8 Cal.	**Annunciation**	——	——12	——	——3
19	26	A	7 Cal.	---- **B. V. M.**	——18	——13	——19	——4
8	27	b	6 Cal.	——	——20	——14	——21	Titus – 1
	28	c	5 Cal.	——	Ruth—1	——15	Ruth—2	——2, 3
16	29	d	4 Cal.	——	——3	——16	——4	Philem.
5	30	e	3 Cal.	——	1 Sam. 1	——17	1 Sam. 2	Hebr. –1
	31	f	Pr. Cal.	——	——3	——18	——4	——2

The Numbers here prefix'd to the ſeveral Days, between the Twenty firſt Day of *March*, and the Eighteenth Day of *April*, both incluſive, denote the Days upon which thoſe Full Moons do fall, which happen upon, or next after, the Twenty firſt Day of *March*, in thoſe Years, of which they are reſpectively the Golden Numbers: And the Sunday Letter next following

The Calendar, with the Table of Leſſons.

APRIL hath xxx Days.

					Morning Prayer.		Evening Prayer.	
					1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
13	1	g	Calendæ	——	1 Sam. 5	John – 19	1 Sam. 6	Hebr. – 3
2	2	A	4 Non.	——	——7	——20	——8	——4
	3	b	3 Non.	Richard, B.	——9	——21	——10	——5
10	4	c	Pr. Non.	Ambroſe, B.	——11	Acts —1	——12	——6
	5	d	Nonæ	——	——13	——2	——14	——7
18	6	e	8 Id.	——	——15	——3	——16	——8
7	7	f	7 Id.	——	——17	——4	——18	——9
	8	g	6 Id.	——	——19	——5	——20	——10
15	9	A	5 Id.	——	——21	——6	——22	——11
4	10	b	4 Id.	——	——23	——7	——24	——12
	11	c	3 Id.	——	——25	——8	——26	——13
12	12	d	Pr. Id.	——	——27	——9	——28	James – 1
1	13	e	Idus.	——	——29	——10	——30	——2
	14	f	18 Cal. Maii.	——	——31	——11	2 Sam. 1	——3
9	15	g	17 Cal.	——	2 Sam. 2	——12	——3	——4
	16	A	16 Cal.	——	——4	——13	——5	——5
17	17	b	15 Cal.	——	——6	——14	——7	1 Peter 1
6	18	c	14 Cal.	——	——8	——15	——9	——2
	19	d	13 Cal.	Alphege, A. B.	——10	——16	——11	——3
	20	e	12 Cal.	——	——12	——17	——13	——4
	21	f	11 Cal.	——	——14	——18	——15	——5
	22	g	10 Cal.	——	——16	——19	——17	2 Peter 1
	23	A	9 Cal.	S. George, M.	——18	——20	——19	——2
	24	b	8 Cal.	——	——20	——21	——21	——3
	25	c	7 Cal.	**S. Mark, E.**	——	——22	——	1 John 1
	26	d	6 Cal.	----- **& Mart.**	——22	——23	——23	——2
	27	e	5 Cal.	——	——24	——24	1 Kings 1	——3
	28	f	4 Cal.	——	1 Kings 2	——25	——3	——4
	29	g	3 Cal.	——	——4	——26	——5	——5
	30	A	Pr. Cal.	——	——6	——27	——7	2, 3 John

any ſuch Full Moon, points out *Eaſter-Day* for that Year. All which holds until the Year of our Lord 1899 incluſive; after which Year, the Places of theſe Golden Numbers will be to be changed, as is hereafter expreſſed.

MAY

The Calendar, with the Table of Leſſons.

MAY hath xxxi Days.

				Morning Prayer.		Evening Prayer.	
				1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
1	b	Calendæ	**S. Philip, and**	——	——	——	Jude——
2	c	6 Non.	**James, Apoſt.**	1 Kings 8	Acts–28	1 Kings 9	Rom.–1
3	d	5 Non.	Invention of ——	——10	Matth. 1	——11	——2
4	e	4 Non.	——(the Croſs.	——12	——2	——13	——3
5	f	3 Non.	——	——14	——3	——15	——4
6	g	Pr. Non.	S. John Evang.	——16	——4	——17	——5
7	A	Nonæ	(ante Port. Latin.	——18	——5	——19	——6
8	b	8 Id.	——	——20	——6	——21	——7
9	c	7 Id.	——	——22	——7	2 Kings 1	——8
10	d	6 Id.	——	2 Kings 2	——8	——3	——9
11	e	5 Id.	——	——4	——9	——5	——10
12	f	4 Id.	——	——6	——10	——7	——11
13	g	3 Id.	——	——8	——11	——9	——12
14	A	Pr. Id.	——	——10	——12	——11	——13
15	b	Idus.	——	——12	——13	——13	——14
16	c	17 Cal. Jun.	——	——14	——14	——15	——15
17	d	16 Cal.	——	——16	——15	——17	——16
18	e	15 Cal.	——	——18	——16	——19	1 Cor. 1
19	f	14 Cal.	Dunſtan, A. B. C.	——20	——17	——21	——2
20	g	13 Cal.	——	——22	——18	——23	——3
21	A	12 Cal.	——	——24	——19	——25	——4
22	b	11 Cal.	——	Ezra—1	——20	Ezra—3	——5
23	c	10 Cal.	——	——4	——21	——5	——6
24	d	9 Cal.	——	——6	——22	——7	——7
25	e	8 Cal.	——	——9	——23	Neh.—1	——8
26	f	7 Cal.	Auguſtine, A. B.	Neh.—2	——24	——4	——9
27	g	6 Cal.	Ven. Bede, Pr.—	——5	——25	——6	——10
28	A	5 Cal.	——	——8	——26	——9	——11
29	b	4 Cal.	**K. Charles II.**	——10	——27	——13	——12
30	c	3 Cal.	**Nat. & Return.**	Eſther–1	——28	Eſther–2	——13
31	d	Pr. Cal.	——	——3	Mark–1	——4	——14

The Calendar, with the Table of Leſſons.

JUNE hath xxx Days.

				Morning Prayer.		Evening Prayer.	
				1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
1	e	Calendæ	Nicom. R. P. & M.	Eſther–5	Mark–2	Eſther–6	1 Cor. 15
2	f	4 Non.	——	——7	——3	——8	——16
3	g	3 Non.	——	——9	——4	Job——1	2 Cor. 1
4	A	Pr. Non.	——	Job——2	——5	——3	——2
5	b	Nonæ	Boniface, B. M.	——4	——6	——5	——3
6	c	8 Id.	——	——6	——7	——7	——4
7	d	7 Id.	——	——8	——8	——9	——5
8	e	6 Id.	——	——10	——9	——11	——6
9	f	5 Id.	——	——12	——10	——13	——7
10	g	4 Id.	——	——14	——11	——15	——8
11	A	3 Id.	**S. Barnabas**	——	——	——	——
12	b	Pr. Id.	-------- **A. & M.**	——16	——12	—17, 18	——9
13	c	Idus.	——	——19	——13	——20	——10
14	d	18 Cal. Julii.	——	——21	——14	——22	——11
15	e	17 Cal.	——	——23	——15	—24, 25	——12
16	f	16 Cal.	——	—26, 27	——16	——28	——13
17	g	15 Cal.	S. Alban, Mart.	——29	Luke–1	——30	Gal.—1
18	A	14 Cal.	——	——31	——2	——32	——2
19	b	13 Cal.	——	——33	——3	——34	——3
20	c	12 Cal.	Ed. K. W. Sax.	——35	——4	——36	——4
21	d	11 Cal.	——	——37	——5	——38	——5
22	e	10 Cal.	——	——39	——6	——40	——6
23	f	9 Cal.	—— *Faſt.*	——41	——7	——42	Epheſ. 1
24	g	8 Cal.	**S. John, Bapt.**	——	——	——	——
25	A	7 Cal.	——	Prov.–1	——8	Prov.–2	——2
26	b	6 Cal.	——	——3	——9	——4	——3
27	c	5 Cal.	——	——5	——10	——6	——4
28	d	4 Cal.	—— *Faſt.*	——7	——11	——8	——5
29	e	3 Cal.	**S. Peter.** -------	——	——	——	——
30	f	Pr. Cal.	——	——9	——12	——10	——6

The Calendar, with the Table of Leſſons.

JULY hath xxxi Days.

				Morning Prayer.		Evening Prayer.	
				1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
1	g	Calendæ	——	Prov. 11	Luke 13	Prov. 12	Phil — 1
2	A	6 Non.	Viſit. of B. V. M.	——13	——14	——14	——2
3	b	5 Non.	——	——15	——15	——16	——3
4	c	4 Non.	Tran. Mart. B.	——17	——16	——18	——4
5	d	3 Non.	——	——19	——17	——20	Col. — 1
6	e	Pr. Non.	——	——21	——18	——22	——2
7	f	Nonæ	——	——23	——19	——24	——3
8	g	8 Id.	——	——25	——20	——26	——4
9	A	7 Id.	——	——27	——21	——28	1 Theſ. 1
10	b	6 Id.	——	——29	——22	——31	——2
11	c	5 Id.	——	Eccleſ. 1	——23	Eccleſ. 2	——3
12	d	4 Id.	——	——3	——24	——4	——4
13	e	3 Id.	——	——5	John—1	——6	——5
14	f	Pr. Id.	——	——7	——2	——8	2 Theſ. 1
15	g	Idus.	Swithun, B. W. T.	——9	——3	——10	——2
16	A	17 Cal. Aug.	——	——11	——4	——12	——3
17	b	16 Cal.	——	Jer.——1	——5	Jer.——2	1 Tim. 1
18	c	15 Cal.	——	——3	——6	——4	——2, 3
19	d	14 Cal.	——	——5	——7	——6	——4
20	e	13 Cal.	Marg. V. & M.	——7	——8	——8	——5
21	f	12 Cal.	——	——9	——9	——10	——6
22	g	11 Cal.	S. Mary Mag.—	——11	——10	——12	2 Tim. 1
23	A	10 Cal.	——	——13	——11	——14	——2
24	b	9 Cal.	—— *Faſt.*	——15	——12	——16	——3
25	c	8 Cal.	**S. James, Ap.**	——	——13	——	——4
26	d	7 Cal.	S. Anne.——	——17	——14	——18	Titus – 1
27	e	6 Cal.	——	——19	——15	——20	——2, 3
28	f	5 Cal.	——	——21	——16	——22	Philem.
29	g	4 Cal.	——	——23	——17	——24	Hebr. – 1
30	A	3 Cal.	——	——25	——18	——26	——2
31	b	Pr. Cal.	——	——27	——19	——28	——3

The Calendar, with the Table of Leſſons.

AUGUST hath xxxi Days.

				Morning Prayer.		Evening Prayer.	
				1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
1	c	Calendæ	Lammas-day.—	Jer.—29	John–20	Jer.—30	Hebr. –4
2	d	4 Non.	——	——31	——21	——32	——5
3	e	3 Non.	——	——33	Acts —1	——34	——6
4	f	Pr. Non.	——	——35	——2	——36	——7
5	g	Nonæ	——	——37	——3	——38	——8
6	A	8 Id.	Transfigurat.——	——39	——4	——40	——9
7	b	7 Id.	Name of Jeſus.	——41	——5	——42	——10
8	c	6 Id.	——	——43	——6	——44	——11
9	d	5 Id.	——	—45, 46	——7	——47	——12
10	e	4 Id.	S. Laurence.——	——48	——8	——49	——13
11	f	3 Id.	——	——50	——9	——51	James–1
12	g	Pr. Id.	——	——52	——10	Lam. – 1	——2
13	A	Idus.	——	Lam. – 2	——11	——3	——3
14	b	19 Cal. Sept.	——	——4	——12	——5	——4
15	c	18 Cal.	——	Ezek. –2	——13	Ezek. –3	——5
16	d	17 Cal.	——	——6	——14	——7	1 Peter 1
17	e	16 Cal.	——	——13	——15	——14	——2
18	f	15 Cal.	——	——18	——16	——33	——3
19	g	14 Cal.	——	——34	——17	Daniel–1	——4
20	A	13 Cal.	——	Daniel–2	——18	——3	——5
21	b	12 Cal.	——	——4	——19	——5	2 Peter 1
22	c	11 Cal.	——	——6	——20	——7	——2
23	d	10 Cal.	—— *Faſt.*	——8	——21	——9	——3
24	e	9 Cal.	**S. Barthol. A.**	——	——22	——	1 John 1
25	f	8 Cal.	——	——10	——23	——11	——2
26	g	7 Cal.	——	——12	——24	Hoſea–1	——3
27	A	6 Cal.	——	Hoſ. 2, 3	——25	——4	——4
28	b	5 Cal.	S. Auguſt. B.—	——5, 6	——26	——7	——5
29	c	4 Cal.	S. John behead-	——8	——27	——9	2, 3 John
30	d	3 Cal.	—— (ed.	——10	——28	——11	Jude——
31	e	Pr. Cal.	——	——12	Matth. 1	——13	Rom. – 1

SEP-

The Calendar, with the Table of Leſſons.

SEPTEMBER hath xxx Days.

				Morning Prayer		Evening Prayer	
				1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
1	f	Calendæ	Giles, Abbot—	Hoſea 14	Matth. 2	Joel — 1	Rom. — 2
2	g	4 Non.	—(& Confeſſor.	Joel — 2	3	3	3
3	A	3 Non.		Amos — 1	4	Amos — 2	4
4	b	Pr. Non.		3	5	4	5
5	c	Nonæ		5	6	6	6
6	d	8 Id.		7	7	8	7
7	e	7 Id.	Enurchus, B. —	9	8	Obad. —	8
8	f	6 Id.	Nativity of the	Jonah — 1	9	Jon. 2, 3	9
9	g	5 Id.	—(B. V. Mary.	4	10	Micah — 1	10
10	A	4 Id.		Micah — 2	11	3	11
11	b	3 Id.		4	12	5	12
12	c	Pr. Id.		6	13	7	13
13	d	Idus.		Nahum 1	14	Nahum 2	14
14	e	18 Cal. Oct.	Holy Croſs Day.	3	15	Hab. — 1	15
15	f	17 Cal.		Hab. — 2	16	3	16
16	g	16 Cal.		Zeph. — 1	17	Zeph. — 2	1 Cor. 1
17	A	15 Cal.	Lambert, B. & M.	3	18	Haggai 1	2
18	b	14 Cal.		Haggai 2	19	Zech. — 1	3
19	c	13 Cal.		Zech. 2, 3	20	4, 5	4
20	d	12 Cal.	*Faſt.*	6	21	7	5
21	e	11 Cal.	**S. Matthew.**		22		6
22	f	10 Cal.		8	23	9	7
23	g	9 Cal.		10	24	11	8
24	A	8 Cal.		12	25	13	9
25	b	7 Cal.		14	26	Mal. — 1	10
26	c	6 Cal.	S. Cyprian, A. B.	Mal. — 2	27	3	11
27	d	5 Cal.		4	28	Tobit — 1	12
28	e	4 Cal.		Tobit — 2	Mark — 1	3	13
29	f	3 Cal.	**S. Michael.**		2		14
30	g	Pr. Cal.	S. Jerom. Pr. C.	4	3	6	15

The Calendar, with the Table of Leſſons.

OCTOBER hath xxxi Days.

				Morning Prayer.		Evening Prayer.	
				1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
1	A	Calendæ	Remigius B. of R.	Tob. — 7	Mark — 4	Tob. — 8	1 Cor. 16
2	b	6 Non.		9	5	10	2 Cor. 1
3	c	5 Non.		11	6	12	2
4	d	4 Non.		13	7	14	3
5	e	3 Non.		Judith — 1	8	Judith — 2	4
6	f	Pr. Non.	Faith, V. & M.	3	9	4	5
7	g	Nonæ		5	10	6	6
8	A	8 Id.		7	11	8	7
9	b	7 Id.	S. Denys Areo. B.	9	12	10	8
10	c	6 Id.		11	13	12	9
11	d	5 Id.		13	14	14	10
12	e	4 Id.		15	15	16	11
13	f	3 Id.	Tranſlation of—	Wiſd. — 1	16	Wiſd. — 2	12
14	g	Pr. Id.	(K. Edw. Con.	3	Lu. 1 *to* 39	4	13
15	A	Idus.		5	1. *ver.* 39	6	Gal. — 1
16	b	17 Cal. Nov.		7	2	8	2
17	c	16 Cal.	Etheldred, Virg.	9	3	10	3
18	d	15 Cal.	**S. Luke,** -------		4		4
19	e	14 Cal.	----- **Evangeliſt.**	11	5	12	5
20	f	13 Cal.		13	6	14	6
21	g	12 Cal.		15	7	16	Epheſ. 1
22	A	11 Cal.		17	8	18	2
23	b	10 Cal.		19	9	Ecclus — 1	3
24	c	9 Cal.		Ecclus — 2	10	3	4
25	d	8 Cal.	Criſpin, Mart.—	4	11	5	5
26	e	7 Cal.		6	12	7	6
27	f	6 Cal.	*Faſt.*	8	13	9	Phil. — 1
28	g	5 Cal.	**S. Simon, and**		14		2
29	A	4 Cal.	------- **S. Jude.**	10	15	11	3
30	b	3 Cal.		12	16	13	4
31	c	Pr. Cal.	*Faſt.*	14	17	15	Col. — 1

The Calendar, with the Table of Leſſons.

NOVEMBER hath xxx Days.

				Morning Prayer.		Evening Prayer.	
				1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
1	d	Calendæ	**All Saints.** -----	——	——	——	——
2	e	4 Non.	——	Ecclus 16	Luke 18	Ecclus 17	Col. — 2
3	f	3 Non.	——	——18	——19	——19	——3
4	g	Pr. Non.	——	——20	——20	——21	——4
5	A	Nonæ	**Papiſts Conſp.**	——22	——21	——23	1 Theſ. 1
6	b	8 Id.	Leonard, Con.—	——24	——22	— (a) 25	——2
7	c	7 Id.	——	——27	——23	——28	——3
8	d	6 Id.	——	——29	——24	— (b) 30	——4
9	e	5 Id.	——	——31	John—1	——32	——5
10	f	4 Id.	——	——33	——2	——34	2 Theſ. 1
11	g	3 Id.	S. Martin. ——	——35	——3	——36	——2
12	A	Pr. Id.	——	——37	——4	——38	——3
13	b	Idus.	Britius, Biſh.——	——39	——5	——40	1 Tim. 1
14	c	18 Cal. Dec.	——	——41	——6	——42	——2, 3
15	d	17 Cal.	Machutus, Biſh.	——43	——7	——44	——4
16	e	16 Cal.	——	——45	——8	— (c) 46	——5
17	f	15 Cal.	Hugh, Biſh. ——	——47	——9	——48	——6
18	g	14 Cal.	——	——49	——10	——50	2 Tim. 1
19	A	13 Cal.	——	——51	——11	Baruch 1	——2
20	b	12 Cal.	Edm. K. & M.—	Baruch 2	——12	——3	——3
21	c	11 Cal.	——	——4	——13	——5	——4
22	d	10 Cal.	Cecilia, V. & M.	——6	——14	Hiſt. Su.	Titus – 1
23	e	9 Cal.	S. Clement.——	Bel. & D.	——15	Iſaiah –1	——2, 3
24	f	8 Cal.	——	Iſaiah –2	——16	——3	Philem.
25	g	7 Cal.	Cathar. V. & M.	——4	——17	——5	Hebr. –1
26	A	6 Cal.	——	——6	——18	——7	——2
27	b	5 Cal.	——	——8	——19	——9	——3
28	c	4 Cal.	——	——10	——20	——11	——4
29	d	3 Cal.	—— *Faſt.*	——12	——21	——13	——5
30	e	Pr. Cal.	**S. Andrew.** -----	——	Acts —1	——	——6

Note. That (a) Ecclus 25. is to be read only to ver. 13. and (b) Ecclus 30. only to ver. 18. and (c) Ecclus 46. only to ver. 20.

The Calendar, with the Table of Leſſons.

DECEMBER hath xxxi Days.

				Morning Prayer.		Evening Prayer.	
				1 Leſſon	2 Leſſon	1 Leſſon	2 Leſſon
1	f	Calendæ	——	Iſaiah 14	Acts —2	Iſaiah 15	Hebr. –7
2	g	4 Non.	——	——16	——3	——17	——8
3	A	3 Non.	——	——18	——4	——19	——9
4	b	Pr. Non.	——	—20, 21	——5	——22	——10
5	c	Nonæ	——	——23	——6	——24	——11
6	d	8 Id.	Nicolas, Biſh. —	——25	7 *to v.* 30	——26	——12
7	e	7 Id.	——	——27	7 *ver.* 30	——28	——13
8	f	6 Id.	Conception of—	——29	——8	——30	James–1
9	g	5 Id.	—(the B. V. M.	——31	——9	——32	——2
10	A	4 Id.	——	——33	——10	——34	——3
11	b	3 Id.	——	——35	——11	——36	——4
12	c	Pr. Id.	——	——37	——12	——38	——5
13	d	Idus.	Lucy, V. & M.	——39	——13	——40	1 Pet. –1
14	e	19 Cal. Jan.	——	——41	——14	——42	——2
15	f	18 Cal.	——	——43	——15	——44	——3
16	g	17 Cal.	O Sapientia. ——	——45	——16	——46	——4
17	A	16 Cal.	——	——47	——17	——48	——5
18	b	15 Cal.	——	——49	——18	——50	2 Pet. –1
19	c	14 Cal.	——	——51	——19	——52	——2
20	d	13 Cal.	—— *Faſt.*	——53	——20	——54	——3
21	e	12 Cal.	**S. Thomas.** ---	——	——21	——	1 John 1
22	f	11 Cal.	——	——55	——22	——56	——2
23	g	10 Cal.	——	——57	——23	——58	——3
24	A	9 Cal.	—— *Faſt.*	——59	——24	——60	——4
25	b	8 Cal.	**Chriſtmas.** -----	——	——	——	——
26	c	7 Cal.	**S. Stephen.** ----	——	——	——	——
27	d	6 Cal.	**S. John.** ------	——	——	——	——
28	e	5 Cal.	**Innocents.** -----	——	——25	——	——5
29	f	4 Cal.	——	——61	——26	——62	2 John
30	g	3 Cal.	——	——63	——27	——64	3 John
31	A	Pr. Cal.	Silveſt. Biſh.——	——65	——28	——66	Jude

Tables and Rules for the Moveable and Immoveable Feaſts; together with the Days of Faſting and Abſtinence, through the whole Year.

Rules to know when the Moveable Feaſts and Holy-days begin.

EAſter-Day, on which the reſt depend, is always the Firſt Sunday after the Full Moon, which happens upon, or next after the Twenty firſt Day of *March*; and if the Full Moon happens upon a Sunday, *Eaſter-Day* is the Sunday after.

Advent Sunday is always the neareſt Sunday to the Feaſt of S. *Andrew*, whether before or after.

Septuageſima	Sunday is	Nine	Weeks before *Eaſter*.
Sexageſima		Eight	
Quinquageſima		Seven	
Quadrageſima		Six.	

Rogation Sunday	is	5 Weeks	after *Eaſter*.
Aſcenſion-day		40 Days	
Whitſunday		7 Weeks	
Trinity Sunday.		8 Weeks	

A Table of all the Feaſts that are to be obſerved in the Church of *England* throughout the Year.

ALL Sundays in the Year.

The Days of the Feaſts of

- The Circumciſion of our Lord JESUS CHRIST.
- The Epiphany.
- The Converſion of S. *Paul*.
- The Purification of the Bleſſed Virgin.
- S. *Matthias* the Apoſtle.
- The Annunciation of the Bleſſed Virgin.
- S. *Mark* the Evangeliſt.
- S. *Philip* and S. *James* the Apoſtles.
- The Aſcenſion of our Lord JESUS CHRIST.
- S. *Barnabas*.

The Days of the Feaſts of

- The Nativity of S. *John Baptiſt*.
- S. *Peter* the Apoſtle.
- S. *James* the Apoſtle.
- S. *Bartholomew* the Apoſtle.
- S. *Matthew* the Apoſtle.
- S. *Michael* and all Angels.
- S. *Luke* the Evangeliſt.
- S. *Simon* and S. *Jude* the Apoſtles.
- All Saints.
- S. *Andrew* the Apoſtle.
- S. *Thomas* the Apoſtle.
- The Nativity of our Lord.
- S. *Stephen* the Martyr.
- S. *John* the Evangeliſt.
- The Holy Innocents.

Monday and Tueſday in *Eaſter*-week.
Monday and Tueſday in *Whitſun*-week.

A Table of the Vigils, Faſts, and Days of Abſtinence, to be obſerved in the Year.

THE Evens or Vigils before

- The Nativity of our Lord.
- The Purification of the Bleſſed Virgin *Mary*.
- The Annunciation of the Bleſſed Virgin.
- *Eaſter-day*.
- *Aſcenſion-day*.
- *Pentecoſt*.
- S. *Matthias*.

The Evens or Vigils before

- S. *John Baptiſt*.
- S. *Peter*.
- S. *James*.
- S. *Bartholomew*.
- S. *Matthew*.
- S. *Simon* and *Jude*.
- S. *Andrew*.
- S. *Thomas*.
- All Saints.

Note, That if any of theſe Feaſt-Days fall upon a Monday, then the Vigil or Faſt-day ſhall be kept upon the Saturday, and not upon the Sunday next before it.

Days of Faſting, or Abſtinence.

I. THE Forty Days of Lent.

II. The Ember Days at the four Seaſons, being the Wedneſday, Friday and Saturday after
1. the firſt Sunday in Lent.
2. the Feaſt of Pentecoſt.
3. *September* 14.
4. *December* 13.

III. The three Rogation-Days, being the Monday, Tueſday and Wedneſday before Holy Thurſday, or the Aſcenſion of our Lord.

IV. All the Fridays in the Year, except *Chriſtmas-Day*.

Certain Solemn Days for which particular Services are appointed.

I. THE fifth Day of *November*, being the Day kept in Memory of the Papiſts Conſpiracy.

II. The thirtieth Day of *January*, being the Day kept in Memory of the Martyrdom of King *Charles* the Firſt.

III. The nine and twentieth Day of *May*, being the Day kept in Memory of the Birth and Return of King *Charles* the Second.

TABLE to find EASTER-DAY from the preſent Time, till the Year 1899 incluſive, according to the foregoing Calendar.

Golden Number.	Day of the Month.		Sunday Letter.
14	March	21	C
3		22	D
		23	E
11		24	F
		25	G
19		26	A
8		27	B
		28	C
16		29	D
5		30	E
		31	F
13	April	1	G
2		2	A
		3	B
10		4	C
		5	D
18		6	E
7		7	F
		8	G
15		9	A
4		10	B
		11	C
12		12	D
1		13	E
		14	F
9		15	G
		16	A
17		17	B
6		18	C
		19	D
		20	E
		21	F
		22	G
		23	A
		24	B
		25	C

THis Table contains ſo much of the Calendar as is neceſſary for the determining of *Eaſter*; to find which, look for the Golden Number of the Year in the firſt Column of the Table, againſt which ſtands the Day of the Paſchal Full Moon; then look in the Third Column for the Sunday Letter, next after the Day of the Full Moon, and the Day of the Month ſtanding againſt that Sunday Letter is *Eaſter-day*. If the Full Moon happens upon a Sunday, then (according to the Firſt Rule) the next Sunday after is *Eaſter-day*.

To find the Golden Number, or Prime, add one to the Year of our Lord, and then divide by 19; the Remainder, if any, is the Golden Number; but if nothing remaineth, then 19 is the Golden Number.

To find the Dominical or Sunday Letter, according to the Calendar, until the Year 1799 incluſive, add to the Year of our Lord its Fourth Part, omitting Fractions, and alſo the Number 1: Divide the Sum by 7; and if there is no Remainder, then A is the Sunday Letter: But if any Number remaineth, then the Letter, ſtanding againſt that Number in the ſmall annexed Table, is the Sunday Letter.

0	A
1	G
2	F
3	E
4	D
5	C
6	B

For the next Century, that is, from the Year 1800 till the Year 1899 incluſive, add to the current Year only its Fourth Part, and then divide by 7, and proceed as in the laſt Rule.

Note, That in all Biſſextile or Leap-Years, the Letter found, as above, will be the Sunday Letter from the intercalated Day excluſive, to the End of the Year.

Another TABLE to find EASTER till the Year 1899 incluſive.

SUNDAY LETTERS.

Golden Number	A	B	C	D	E	F	G
I	April — 16	— 17	— 18	19	— 20	— 14	— 15
II	April — 9	— 3	— 4	5	— 6	— 7	— 8
III	March — 26	— 27	— 28	29	— 23	— 24	— 25
IV	April — 16	— 17	— 11	12	— 13	— 14	— 15
V	April — 2	— 3	— 4	5	— 6	March — 31	April — 1
VI	April — 23	— 24	— 25	19	— 20	— 21	— 22
VII	April — 9	— 10	— 11	12	— 13	— 14	— 8
VIII	April — 2	— 3	March — 28	29	— 30	— 31	April — 1
IX	April — 16	— 17	— 18	19	— 20	— 21	— 22
X	April — 9	— 10	— 11	5	— 6	— 7	— 8
XI	March — 26	— 27	— 28	29	— 30	— 31	— 25
XII	April — 16	— 17	— 18	19	— 13	— 14	— 15
XIII	April — 2	— 3	— 4	5	— 6	— 7	— 8
XIV	March — 26	— 27	— 28	22	— 23	— 24	— 25
XV	April — 16	— 10	— 11	12	— 13	— 14	— 15
XVI	April — 2	— 3	— 4	5	March — 30	— 31	April — 1
XVII	April — 23	— 24	— 18	19	— 20	— 21	— 22
XVIII	April — 9	— 10	— 11	12	— 13	— 7	— 8
XIX	April — 2	March — 27	— 28	29	— 30	— 31	April — 1

TO make uſe of the preceding Table, find the Sunday Lettter for the Year in the Uppermoſt Line, and the Golden Number, or Prime, in the Column of Golden Numbers, and againſt the Prime, in the ſame Line under the Sunday Letter, you have the Day of the Month on which *Eaſter* falleth that Year. But Note, That the Name of the Month is ſet on the Left Hand, or juſt with the Figure, and followeth not, as in other Tables, by Deſcent, but Collateral.

A TABLE

A TABLE of the Moveable FEASTS for Fifty two Years, According to the foregoing Calendar.

The Year of our LORD.	The Golden Number.	The Epact.	Sunday Letter.	Sundays after Epiphany.	Septuagesima Sunday.	The First Day of Lent.	Easter-day.	Rogation Sunday.	Ascension-day.	Whitsunday.	Sundays after Trinity.	Advent Sunday.
1752	5											Dec. 3
1753	6	25	G	6	Feb. 18	March 7	April 22	May 27	May 31	June 10	23	2
1754	7	6	F	4	10	Feb. 27	14	19	23	2	24	1
1755	8	17	E	2	Jan. 26	12	March 30	4	8	May 18	26	Nov. 30
1756	9	28	D C	5	Feb. 15	March 3	April 18	23	27	June 6	23	28
1757	10	9	B	4	6	Feb. 23	10	15	19	May 29	24	27
1758	11	20	A	2	Jan. 22	8	March 26	April 30	4	14	27	Dec. 3
1759	12	1	G	5	Feb. 11	28	April 15	May 20	24	June 3	24	2
1760	13	12	F E	3	3	20	6	11	15	May 25	25	Nov. 30
1761	14	23	D	1	Jan. 18	4	March 22	April 26	April 30	10	27	29
1762	15	4	C	4	Feb. 7	24	April 11	May 16	May 20	30	24	28
1763	16	15	B	3	Jan. 30	16	3	8	12	22	25	27
1764	17	26	A G	6	Feb. 19	March 7	22	27	31	June 10	23	Dec. 2
1765	18	7	F	3	3	Feb. 20	7	12	16	May 26	25	1
1766	19	18	E	2	Jan. 26	12	March 30	4	8	18	26	Nov. 30
1767	1	0	D	5	Feb. 15	March 4	April 19	24	28	June 7	23	29
1768	2	11	C B	3	Jan. 31	Feb. 17	3	8	12	May 22	25	27
1769	3	22	A	2	22	8	March 26	April 30	4	14	27	Dec. 3
1770	4	3	G	5	Feb. 11	28	April 15	May 20	24	June 3	24	2
1771	5	14	F	2	Jan. 27	13	March 31	5	9	May 19	26	1
1772	6	25	E D	5	Feb. 16	March 4	April 19	24	28	June 7	23	Nov. 29
1773	7	6	C	4	7	Feb. 24	11	16	20	May 30	24	28
1774	8	17	B	3	Jan. 30	16	3	8	12	22	25	27
1775	9	28	A	5	Feb. 12	March 1	16	21	25	June 4	24	Dec. 3
1776	10	9	G F	4	4	Feb. 21	7	12	16	May 26	25	1
1777	11	20	E	2	Jan. 26	12	March 30	4	8	18	26	Nov. 30
1778	12	1	D	5	Feb. 15	March 4	April 19	24	28	June 7	23	29
1779	13	12	C	3	Jan. 31	Feb. 17	4	9	13	May 23	25	28
1780	14	23	B A	2	23	9	March 26	April 30	4	14	27	Dec. 3
1781	15	4	G	5	Feb. 11	28	April 15	May 20	24	June 3	24	2
1782	16	15	F	2	Jan. 27	13	March 31	5	9	May 19	26	1
1783	17	26	E	5	Feb. 16	March 5	April 20	25	29	June 8	23	Nov. 30
1784	18	7	D C	4	8	Feb. 25	11	16	20	May 30	24	28
1785	19	18	B	2	Jan. 23	9	March 27	1	5	15	26	27
1786	1	0	A	5	Feb. 12	March 1	April 16	21	25	June 4	24	Dec. 3
1787	2	11	G	4	4	Feb. 21	8	13	17	May 27	25	2
1788	3	22	F E	1	Jan. 20	6	March 23	April 27	1	11	27	Nov. 30
1789	4	3	D	4	Feb. 8	25	April 12	May 17	21	31	24	29
1790	5	14	C	3	Jan. 31	17	4	9	13	23	25	28
1791	6	25	B	6	Feb. 20	March 9	24	29	June 2	June 12	22	27
1792	7	6	A G	4	5	Feb. 22	8	13	May 17	May 27	25	Dec. 2
1793	8	17	F	2	Jan. 27	13	March 31	5	9	19	26	1
1794	9	28	E	5	Feb. 16	March 5	April 20	25	29	June 8	23	Nov. 30
1795	10	9	D	3	1	Feb. 18	5	10	14	May 24	25	29
1796	11	20	C B	2	Jan. 24	10	March 27	1	5	15	26	27
1797	12	1	A	5	Feb. 12	March 1	April 16	21	25	June 4	24	Dec. 3
1798	13	12	G	4	4	Feb. 21	8	13	17	May 27	25	2
1799	14	23	F	1	Jan. 20	6	March 24	April 28	2	12	27	1
1800	15	4	E	4	Feb. 9	26	April 13	May 18	22	June 1	24	Nov. 30
1801	16	15	D	3	1	18	5	10	14	May 24	25	29
1802	17	26	C	5	14	March 3	18	23	27	June 6	23	28
1803	18	7	B	4	6	Feb. 23	10	15	19	May 29	24	27
1804	19	18	A G	3	Jan. 29	15	1	6	10	20	26	Dec. 2

A TABLE of the Moveable FEASTS, According to the ſeveral Days that EASTER can poſſibly fall upon.

Eaſter-day.	Sundays after Epiphany.	Septuageſima Sunday.	The Firſt Day of Lent.	Rogation Sunday.	Aſcenſion-day.	Whitſunday.	Sundays after Trinity.	Advent Sunday.
March — 22	1	Jan. — 18	Feb. — 4	April — 26	April — 30	May — 10	27	Nov. — 29
23	1	19	5	27	May — 1	11	27	30
24	1	20	6	28	2	12	27	Dec. — 1
25	2	21	7	29	3	13	27	2
26	2	22	8	30	4	14	27	3
27	2	23	9	May — 1	5	15	26	Nov. — 27
28	2	24	10	2	6	16	26	28
29	2	25	11	3	7	17	26	29
30	2	26	12	4	8	18	26	30
31	2	27	13	5	9	19	26	Dec. — 1
April — 1	3	28	14	6	10	20	26	2
2	3	29	15	7	11	21	26	3
3	3	30	16	8	12	22	25	Nov. — 27
4	3	31	17	9	13	23	25	28
5	3	Feb. — 1	18	10	14	24	25	29
6	3	2	19	11	15	25	25	30
7	3	3	20	12	16	26	25	Dec. — 1
8	4	4	21	13	17	27	25	2
9	4	5	22	14	18	28	25	3
10	4	6	23	15	19	29	24	Nov. — 27
11	4	7	24	16	20	30	24	28
12	4	8	25	17	21	31	24	29
13	4	9	26	18	22	June — 1	24	30
14	4	10	27	19	23	2	24	Dec. — 1
15	5	11	28	20	24	3	24	2
16	5	12	March — 1	21	25	4	24	3
17	5	13	2	22	26	5	23	Nov. — 27
18	5	14	3	23	27	6	23	28
19	5	15	4	24	28	7	23	29
20	5	16	5	25	29	8	23	30
21	5	17	6	26	30	9	23	Dec. — 1
22	6	18	7	27	31	10	23	2
23	6	19	8	28	June — 1	11	23	3
24	6	20	9	29	2	12	22	Nov. — 27
25	6	21	10	30	3	13	22	28

Note, That in a Biſſextile or Leap-Year, the Number of Sundays after Epiphany will be the ſame, as if *Eaſter-day* had fallen one Day later than it really does. And for the ſame Reaſon, one Day muſt, in every Leap-Year, be added to the Day of the Month given by the Table for *Septuageſima* Sunday: And the like muſt be done for the Firſt Day of *Lent* (commonly called *Aſh-wedneſday)* unleſs the Table gives ſome Day in the Month of *March* for it; for in that Caſe the Day given by the Table is the right Day.

TABLE to find EASTER-DAY, from the Year 1900, to the Year 2199 incluſive.

Golden Numbers.	Day of the Month.		Sunday Letters.
14	March	22	D
3		23	E
		24	F
11		25	G
		26	A
19		27	B
8		28	C
		29	D
16		30	E
5		31	F
	April	1	G
13		2	A
2		3	B
		4	C
10		5	D
		6	E
18		7	F
7		8	G
		9	A
15		10	B
4		11	C
		12	D
12		13	E
1		14	F
		15	G
9		16	A
17		17	B
6		18	C
		19	D
		20	E
		21	F
		22	G
		23	A
		24	B
		25	C

THE Golden Numbers in the foregoing Calendar will point out the Days of the Paſchal Full Moons, till the Year of our LORD 1900; at which Time, in order that the Eccleſiaſtical Full Moons may fall nearly on the ſame Days with the real Full Moons, the Golden Numbers muſt be removed to different Days of the Calendar, as is done in the annexed Table, which contains ſo much of the Calendar then to be uſed, as is neceſſary for finding the Paſchal Full Moons, and the Feaſt of *Eaſter*, from the Year 1900, to the Year 2199 incluſive. This Table is to be made uſe of, in all reſpects, as the Firſt Table before inſerted, for finding *Eaſter* till the Year 1899.

General TABLES for finding the Dominical or Sunday Letter, and the Places of the Golden Numbers in the Calendar.

TABLE I.

6	5	4	3	2	1	0
B	C	D	E	F	G	A
				1600	1700	1800
1900 2000	2100	2200	2300 2400	2500	2600	2700 2800
2900	3000	3100 3200	3300	3400	3500 3600	3700
3800	3900 4000	4100	4200	4300 4400	4500	4600
4700 4800	4900	5000	5100 5200	5300	5400	5500 5600
5700	5800	5900 6000	6100	6200	6300 6400	6500
6600	6700 6800	6900	7000	7100 7200	7300	7400
7500 7600	7700	7800	7900 8000	8100	8200	8300 8400
8500	&c.					

TO find the Dominical or Sunday Letter for any given Year of our Lord, add to the Year its Fourth Part, omitting Fractions, and alſo the Number, which in Table I. ſtandeth at the Top of the Column, wherein the Number of Hundreds contained in that given Year is found: Divide the Sum by 7, and if there is no Remainder, then A is the Sunday Letter; but if any Number remaineth, then the Letter, which ſtandeth under that Number at the Top of the Table, is the Sunday Letter.

TABLE II.

1	2 Years of our Lord.	3	1	2 Years of our Lord.	3
B	1600	0	B	5200	15
	1700	1		5300	16
	1800	1		5400	17
	1900	2		5500	17
B	2000	2	B	5600	17
	2100	2		5700	18
	2200	3		5800	18
	2300	4		5900	19
B	2400	3	B	6000	19
	2500	4		6100	19
	2600	5		6200	20
	2700	5		6300	21
B	2800	5	B	6400	20
	2900	6		6500	21
	3000	6		6600	22
	3100	7		6700	23
B	3200	7	B	6800	22
	3300	7		6900	23
	3400	8		7000	24
	3500	9		7100	24
B	3600	8	B	7200	24
	3700	9		7300	25
	3800	10		7400	25
	3900	10		7500	26
B	4000	10	B	7600	26
	4100	11		7700	26
	4200	12		7800	27
	4300	12		7900	28
B	4400	12	B	8000	27
	4500	13		8100	28
	4600	13		8200	29
	4700	14		8300	29
B	4800	14	B	8400	29
	4900	14		8500	0
	5000	15		&c.	
	5100	16			

TO find the Month and Days of the Month, to which the Golden Numbers ought to be prefixed in the Calendar, in any given Year of our Lord conſiſting of entire Hundred Years, and in all the intermediate Years betwixt that and the next Hundredth Year following, look in the Second Column of Table II. for the given Year conſiſting of entire Hundreds, and Note the Number or Cypher which ſtands againſt it in the Third Column; then, in Table III. look for the ſame Number in the Column under any given Golden Number, which when you have found, guide your Eye Side-ways to the Left Hand, and in the Firſt Column you will find the Month and Day, to which that Golden Number ought to be prefixed in the Calendar during that Period of One hundred Years.

The Letter B prefixed to certain Hundredth Years in Table II. denotes thoſe Years which are ſtill to be accounted Biſſextile or Leap-Years, in the New Calendar, whereas all the other Hundredth Years are to be accounted only Common Years.

TABLE III.

TABLE III.

Paſchal Full Moon.	Sunday Letter.	The GOLDEN NUMBERS.																		
		i	ii	iii	iv	v	vi	vii	viii	ix	x	xi	xii	xiii	xiv	xv	xvi	xvii	xviii	xix
March 21	C	8	19	0	11	22	3	14	25	6	17	28	9	20	1	12	23	4	15	26
March 22	D	9	20	1	12	23	4	15	26	7	18	29	10	21	2	13	24	5	16	27
March 23	E	10	21	2	13	24	5	16	27	8	19	0	11	22	3	14	25	6	17	28
March 24	F	11	22	3	14	25	6	17	28	9	20	1	12	23	4	15	26	7	18	29
March 25	G	12	23	4	15	26	7	18	29	10	21	2	13	24	5	16	27	8	19	0
March 26	A	13	24	5	16	27	8	19	0	11	22	3	14	25	6	17	28	9	20	1
March 27	B	14	25	6	17	28	9	20	1	12	23	4	15	26	7	18	29	10	21	2
March 28	C	15	26	7	18	29	10	21	2	13	24	5	16	27	8	19	0	11	22	3
March 29	D	16	27	8	19	0	11	22	3	14	25	6	17	28	9	20	1	12	23	4
March 30	E	17	28	9	20	1	12	23	4	15	26	7	18	29	10	21	2	13	24	5
March 31	F	18	29	10	21	2	13	24	5	16	27	8	19	0	11	22	3	14	25	6
April 1	G	19	0	11	22	3	14	25	6	17	28	9	20	1	12	23	4	15	26	7
April 2	A	20	1	12	23	4	15	26	7	18	29	10	21	2	13	24	5	16	27	8
April 3	B	21	2	13	24	5	16	27	8	19	0	11	22	3	14	25	6	17	28	9
April 4	C	22	3	14	25	6	17	28	9	20	1	12	23	4	15	26	7	18	29	10
April 5	D	23	4	15	26	7	18	29	10	21	2	13	24	5	16	27	8	19	0	11
April 6	E	24	5	16	27	8	19	0	11	22	3	14	25	6	17	28	9	20	1	12
April 7	F	25	6	17	28	9	20	1	12	23	4	15	26	7	18	29	10	21	2	13
April 8	G	26	7	18	29	10	21	2	13	24	5	16	27	8	19	0	11	22	3	14
April 9	A	27	8	19	0	11	22	3	14	25	6	17	28	9	20	1	12	23	4	15
April 10	B	28	9	20	1	12	23	4	15	26	7	18	29	10	21	2	13	24	5	16
April 11	C	29	10	21	2	13	24	5	16	27	8	19	0	11	22	3	14	25	6	17
April 12	D	0	11	22	3	14	25	6	17	28	9	20	1	12	23	4	15	26	7	18
April 13	E	1	12	23	4	15	26	7	18	29	10	21	2	13	24	5	16	27	8	19
April 14	F	2	13	24	5	16	27	8	19	0	11	22	3	14	25	6	17	28	9	20
April 15	G	3	14	25	6	17	28	9	20	1	12	23	4	15	26	7	18	29	10	21
April 16	A	4	15	26	7	18	29	10	21	2	13	24	5	16	27	8	19	0	11	22
April 17	B	5	16	27	8	19	0	11	22	3	14	25	6	17	28	9	20	1	12	23
April 17	B												7	18	29	10	21	2	13	24
April 18	C	6	17	28	9	20	1	12	23	4	15	26								
April 18	C	7	18	29	10	21	2	13	24	5	16	27	8	19	0	11	22	3	14	25

TIT. XI.

Uniformity in the Publick Worſhip and Ceremonies of the Church.

CAP. III.

Uniformity in Publick Worſhip, from the Thirteenth aud Fourteenth of K. CHARLES *the Second, to the* PRESENT TIME.

Pag. 286, *after Stat.* 5, 6 *Annæ, Cap.* 5. *inſert,*

23 Georg. II. Cap. 28.

A.D. 1750.

An Act to explain part of an Act paſſed in the Thirteenth and Fourteenth Years of the Reign of King CHARLES *the Second, for the Uniformity of Publick Prayers, and Adminiſtration of Sacraments; and alſo Part of an Act paſſed in the Thirteenth Year of the Reign of Queen* ELIZABETH, *for the Miniſters of the Church to be of Sound Religion.*

13 & 14 Car. II. c. 4. §. 6.

WHereas by an Act paſſed in the Thirteenth and Fourteenth Years of the Reign of the late King Charles the Second, intituled, An Act for the Uniformity of Publick Prayers, and Adminiſtration of Sacraments, and other Rites and Ceremonies; and for eſtabliſhing the Form of Making, Ordaining, and Conſecrating Biſhops, Prieſts, and Deacons, in the Church of *England*; it was enacted, That every Perſon who ſhould thereafter be preſented or collated, or put into any Eccleſiaſtical Benefice or Promotion, within England, the Dominion of Wales, and Town of Berwick upon Tweed, ſhould, in the Church, Chapel, or Place of publick Worſhip, belonging to his ſaid Benefice or Promotion, within Two Months next after that he ſhall be in the actual Poſſeſſion of the ſaid Eccleſiaſtical Benefice or Promotion, upon ſome Lord's Day, openly, publickly, and ſolemnly read the Morning and Evening Prayers appointed to be read by and according to the Book of Common Prayer, and at Times thereby appointed, or to be appointed; and after ſuch reading thereof, ſhould openly and publickly, before the Congregation there aſſembled, declare his unfeigned Aſſent and Conſent to the Uſe of all Things therein contained and preſcribed, according to the Form therein before appointed; and that all and every ſuch Perſon who ſhould (without ſome lawful Impediment, to be allowed and approved by the Ordinary of the Place) neglect or refuſe to do the ſame within the Time aforeſaid, or (in caſe of ſuch Impediment, within one Month after ſuch Impediment removed) ſhould (ipſo facto) be deprived of all his ſaid Eccleſiaſtical Benefices and Promotions; and that from thenceforth, it ſhould and might be lawful to and for all Patrons and Donors of all and ſingular the ſaid Eccleſiaſtical Benefices and Promotions, or any of them, according to their reſpective Rights and Titles, to preſent or collate to the ſame, as though the Perſon or Perſons ſo offending or neglecting were dead: And it was by the ſaid Act (amongſt other Things) further enacted, That every Parſon, Vicar, Curate, Lecturer, and every other Perſon in Holy Orders, ſhould, before his or their reſpective Admiſſion to be Incumbent, or have Poſſeſſion of any Parſonage, Vicarage, or any Curate's Place or Lecture, ſubſcribe the Declaration or Acknowledgement therein directed, before the reſpective Archbiſhop, Biſhop, or Ordinary of the Dioceſe, upon Pain that all and every of the Perſons afore-mentioned, failing in ſuch Subſcription, ſhould loſe and forfeit ſuch reſpective Parſonage, Vicarage, Curate's Place, or Lecture, and ſhould be utterly diſabled and (ipſo facto) deprived of the ſame; and that every ſuch reſpective Parſonage, Vicarage, Curate's Place, or Lecture, ſhould be void, as if ſuch Perſon ſo failing were naturally dead; and that after ſuch Subſcription made, every Parſon, Vicar, Curate, or Lecturer ſhould procure a Certificate under the Hand and Seal of the reſpective Archbiſhop, Biſhop, or Ordinary of the Dioceſe (who were thereby enjoined and required, upon Demand, to make and deliver the ſame) and ſhould publickly and openly read the ſame, together with the Declaration or Acknowlegement therein mentioned, upon ſome Lord's Day within Three Months then next following, in his Pariſh Church where he was to officiate, in the Preſence of the Congregation there aſſembled, in the Time of Divine Service, upon Pain, that every Perſon failing therein, ſhould loſe ſuch Parſonage, Vicarage, or Benefice, Curate's Place, or

Allowance of a lawful Impediment extended to the not reading the Certificate and Declaration, within the Time limited.

Uniformity in Publick Worſhip, from the Thirteenth and Fourteenth of K. Charles the Second, to the Preſent Time.

or Lecturer's Place reſpectively, and ſhould be utterly diſabled and (ipſo facto) deprived of the ſame; and that the ſaid Parſonage, Vicarage, or Benefice, Curate's Place, or Lecturer's Place ſhould be void, as if he were naturally dead: And whereas Doubts have ariſen, whether the Allowance and Approbation of any lawful Impediment before-mentioned, doth extend to both the ſaid before-recited Caſes, or whether any Archbiſhop, Biſhop, or other Ordinary, hath Power by the ſaid Act to allow and approve of any lawful Impediment, as to reading the ſaid laſt-mentioned Certificate and Declaration, within the Time limited by the ſaid Act: for the obviating thereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Allowance and Approbation of any lawful Impediment already given and declared, or which ſhall hereafter be given and declared, in purſuance of the ſaid Act, by any Archbiſhop, Biſhop, or Ordinary, to any Perſon for or in reſpect of not reading in the Church, Chapel, or Place of Publick Worſhip, belonging to his Benefice or Promotion, within Two Months next after that he ſhall be in the actual Poſſeſſion of the ſaid Benefice or Promotion, upon ſome Lord's Day, openly, publickly, and ſolemnly, the Morning and Evening Prayers, appointed to be read by and according to the ſaid Book of Common Prayer, and for or in reſpect of not openly and publickly, before the Congregation there aſſembled, declaring his unfeigned Aſſent and Conſent to the Uſe of all Things therein contained and preſcribed, ſhall extend, and be conſtrued to extend, to the not reading the ſaid laſt-mentioned Certificate and Declaration, although the ſame be not mentioned in the ſaid Allowance and Approbation, for the like Time as the ſaid Allowance and Approbation ſhall extend to.

13 Eliz. c. 12.

II. And whereas by an Act paſſed in the Thirteenth Year of the Reign of Queen Elizabeth, intituled, An Act for the Miniſters of the Church to be of Sound Religion; it was (amongſt other Things) enacted, That every Perſon who ſhould be admitted to a Benefice with Cure, except that within Two Months after his Induction, he ſhould publickly read the Articles therein mentioned, in the ſame Church whereof he ſhould have Cure, in the Time of Common Prayer there, with Declaration of his unfeigned Aſſent thereunto, ſhould be, upon every ſuch Default (ipſo facto) immediately deprived: And whereas it hath happened, and may hereafter happen, through Sickneſs, or other lawful Impediment, that divers Perſons have been, and may be hindred from reading the ſaid Articles, and making the ſaid Declaration, within the Time directed by the ſaid Act, and yet ſuch Perſon, after ſuch Sickneſs, or other lawful Impediment removed, hath read, and may hereafter read the ſaid Articles, and make the ſaid Declaration; and it is reaſonable that ſuch Perſons ſhould be deemed to have complied with the true Intent and Meaning of the ſaid Act; be it therefore further enacted by the Authority aforeſaid, That every Perſon, who hath already read, or who ſhall hereafter read the ſaid Articles, and hath made, or ſhall hereafter make the ſaid Declaration, at the ſame Time hath he did read, or ſhall hereafter read the Morning and Evening Prayer, and declare his unfeigned Aſſent and Conſent to the Uſe of all Things therein contained and preſcribed, according to the Directions of the ſaid in Part recited Act of the Thirteenth and Fourteenth Years of the Reign of King Charles the Second, ſhall be, and is hereby declared and adjudged to have complied with the true Intent and Meaning of the ſaid Act of the Thirteenth Year of the Reign of Queen Elizabeth, although the ſame were not, or may not be read within the Space of Two Months after ſuch Perſon's Induction into any Benefice with Cure; and that every ſuch Perſon ſhall, and he is hereby declared to be freed and diſcharged from any Deprivation, or other Forfeiture by virtue of the ſaid Act; any thing therein contained to the contrary notwithſtanding.

Perſons who ſhall read the Articles and Declaration at the Time of reading the Morning and Evening Prayer,

— are declared to have complied with the Intent of 13 *Eliz.*

Limitation of this Act.

III. Provided always, That this Act ſhall not extend to reſtore any Perſon to any Parſonage, Vicarage, or Benefice, Curate's Place, or Lecturer's Place, which, for want of reading ſuch Certificate and Declaration, within the Time directed by the ſaid firſt in Part recited Act, or of reading the ſaid Articles and Declaration concerning the ſame, according to the ſaid laſt-mentioned Act, hath been forfeited or become void, and is already filled up or enjoyed by any Perſon or Perſons whatſoever.

TIT. XIII.

Manner and Order of DAILY SERVICE in the CHURCH.

CAP. III.

The Common-Prayer *ſhall be read* DISTINCTLY, *and as* ORDERED.

Pag. 299. *After Stat.* 13 *Car. II. Cap.* 9. *add,*

22 Georg. II. Cap. 33.

TIT. XV.

ORTHODOX PREACHING, *according to* SCRIPTURE, CREEDS, *and* ARTICLES.

CAP. IV.

The Articles of Religion.

Pag. 325. *After Stat.* 1 *W. & M. c.* 18. §. 8. *Inſert,*

Baptiſts.

X. And whereas ſome Diſſenting Proteſtants ſcruple the Baptizing of Infants; be it enacted by the Authority aforeſaid, That every Perſon in pretended Holy Orders, or pretending to Holy Orders, or Preacher, or Teacher, that ſhall ſubſcribe the aforeſaid Articles of Religion, except before excepted, and alſo except Part of the Seven and twentieth Article touching Infant Baptiſm, and ſhall take the ſaid Oaths, and make and ſubſcribe the Declaration aforeſaid, in Manner aforeſaid, every ſuch Perſon ſhall enjoy all the Privileges, Benefits, and Advantages, which any other Diſſenting Miniſter, as aforeſaid, might have or enjoy by Virtue of this Act.

TIT. XXII.

MATRIMONY: how it is duely SOLEMNIZED and DISSOLVED.

CAP. II, III, VI, VII, VIII.

Of Precontract, Conſent of Parents, Banns, Licence, and Solemnization by a Miniſter in due Time and Place.

Pag. 418, 421, 427, 429, 431.

26 Georg. II. Cap. 33.

An Act for the better preventing of Clandeſtine Marriages.

Preamble.

WHereas great Miſchiefs and Inconveniencies have ariſen from Clandeſtine Marriages; for preventing thereof for the future, be it enacted by the King's moſt

Publication of Banns.

Miniſter to ſign the Publication thereof;

—and the Marriage to be ſolemnized in one of the Churches where the Banns have been publiſhed.

moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fifth Day of March, in the Year of our Lord One thouſand ſeven hundred and fifty four, all Banns of Matrimony ſhall be publiſhed in an audible Manner in the Pariſh Church, or in ſome publick Chapel, in which publick Chapel Banns of Matrimony have been uſually publiſhed, of or belonging to ſuch Pariſh or Chapelry wherein the Perſons to be married ſhall dwell, according to the Form of Words preſcribed by the Rubrick prefixed to the Office of Matrimony in the Book of Common Prayer, upon Three Sundays preceding the Solemnization of Marriage, during the Time of Morning Service, or of Evening Service, (if there be no Morning Service in ſuch Church or Chapel) upon any of thoſe Sundays, immediately after the Second Leſſon: And whenſoever it ſhall happen that the Perſons to be married ſhall dwell in divers Pariſhes or Chapelries, the Banns ſhall in like Manner be publiſhed in the Church or Chapel, belonging to ſuch Pariſh or Chapelry wherein each of the ſaid Perſons ſhall dwell; and where both or either of the Perſons to be married ſhall dwell in any Extraparochial Place (having no Church or Chapel wherein Banns have been uſually publiſhed) then the Banns ſhall in like Manner be publiſhed in the Pariſh Church or Chapel belonging to ſome Pariſh or Chapelry, adjoining to ſuch Extraparochial Place: And where Banns ſhall be publiſhed in any Church or Chapel belonging to any Pariſh adjoining to ſuch Extraparochial Place, the Parſon, Vicar, Miniſter, or Curate, publiſhing ſuch Banns, ſhall, in Writing under his Hand, certify the Publication thereof, in ſuch Manner as if either of the Perſons to be married dwelt in ſuch adjoining Pariſh; and that all other the Rules preſcribed by the ſaid Rubrick concerning the Publication of Banns, and the Solemnization of Matrimony, and not hereby altered, ſhall be duly obſerved; and that in all Caſes where Banns ſhall have been publiſhed, the Marriage ſhall be ſolemnized in one of the Pariſh Churches or Chapels where ſuch Banns have been publiſhed, and in no other Place whatſoever.

Notice of the Names, Places of Abode, and Time of Reſidence, of the Parties, to be given to the Miniſter 7 Days before Publication of Banns.

II. Provided always, and it is hereby further enacted, That no Parſon, Vicar, Miniſter, or Curate, ſhall be obliged to publiſh the Banns of Matrimony between any Perſons whatſoever, unleſs the Perſons to be married ſhall, Seven Days at the leaſt before the Time required for the firſt Publication of ſuch Banns reſpectively, deliver, or cauſe to be delivered, to ſuch Parſon, Vicar, Miniſter, or Curate, a Notice in Writing of their true Chriſtian and Surnames, and of the Houſe or Houſes of their reſpective Abodes within ſuch Pariſh, Chapelry, or Extraparochial Place as aforeſaid, and of the Time during which they have dwelt, inhabited, or lodged in ſuch Houſe or Houſes reſpectively.

Miniſter not puniſhable for ſolemnizing Marriage, after Banns publiſhed, where the Parents or Guardians give no Notice of Diſſent;

—but where ſuch Diſſent ſhall be given, Publication of Banns to be void.

III. Provided always, and be it enacted by the Authority aforeſaid, That no Parſon, Miniſter, Vicar, or Curate, ſolemnizing Marriages after the Twenty fifth Day of March, One thouſand ſeven hundred and fifty four, between Perſons, both or One of whom ſhall be under the Age of Twenty one Years, after Banns publiſhed, ſhall be puniſhable by Eccleſiaſtical Cenſures for ſolemnizing ſuch Marriages without Conſent of Parents or Guardians, whoſe Conſent is required by Law, unleſs ſuch Parſon, Miniſter, Vicar, or Curate, ſhall have Notice of the Diſſent of ſuch Parents or Guardians; and in caſe ſuch Parents or Guardians, or One of them, ſhall openly and publickly declare, or cauſe to be declared, in the Church or Chapel, where the Banns ſhall be ſo publiſhed, at the Time of ſuch Publication, his, her, or their Diſſent to ſuch Marriage, ſuch Publication of Banns ſhall be abſolutely void.

Licences to be granted to ſolemnize Matrimony in the Church or Chapel of ſuch Pariſh only, where One of the Parties ſhall have reſided for 4 Weeks before; or in ſome Pariſh Church adjoining, where the Parties live in Places Extraparochial.

IV. And it is hereby further enacted, That no Licence of Marriage ſhall, from and after the ſaid Twenty fifth Day of March, in the Year One thouſand ſeven hundred and fifty four, be granted by any Archbiſhop, Biſhop, or other Ordinary or Perſon having Authority to grant ſuch Licences, to ſolemnize any Marriage in any other Church or Chapel, than in the Pariſh Church or publick Chapel of or belonging to the Pariſh or Chapelry, within which the uſual Place of Abode of One of the Perſons to be married ſhall have been for the Space of Four Weeks, immediately before the granting of ſuch Licence; or where both, or either of the Parties to be married ſhall dwell in any Extraparochial Place, having no Church or Chapel wherein Banns have been uſually publiſhed, then in the Pariſh Church or Chapel belonging to ſome Pariſh or Chapelry adjoining to ſuch Extraparochial Place, and in no other Place whatſoever.

Places which may be deemed Extraparochial by this Act.

V. Provided always, and be it enacted by the Authority aforeſaid, That all Pariſhes, where there ſhall be no Pariſh Church or Chapel belonging thereto, or none wherein Divine Service ſhall be uſually celebrated every Sunday, may be deemed Extraparochial Places for the Purpoſes of this Act, but not for any other Purpoſe.

Archbiſhop of *Canterbury*'s Right to grant Special Licences reſerved.

VI. Provided always, That nothing herein before contained ſhall be conſtrued to extend to deprive the Archbiſhop of Canterbury and his Succeſſors, and his and their proper Officers, of the Right which hath hitherto been uſed, in virtue of a certain

Of Precontract, Conſent of Parents, Banns, Licences, and due Solemnization by a Miniſter in due Time and Place.

Statute made in the Twenty fifth Year of the Reign of the late King Henry the Eighth, intituled, An Act concerning *Peter Pence* and Diſpenſations; of granting Special Licences to marry at any convenient Time or Place.

Surrogate deputed to grant Licences, to take an Oath of Office, and give Security.

VII. Provided always, and be it enacted, That from and after the Twenty fifth Day of March, in the Year One thouſand ſeven hundred and fifty four, no Surrogate deputed by any Eccleſiaſtical Judge, who have Power to grant Licences of Marriage, ſhall grant any ſuch Licence before he hath taken an Oath before the ſaid Judge faithfully to execute his Office, according to Law, to the beſt of his Knowledge, and hath given Security by his Bond in the Sum of One hundred Pounds to the Biſhop of the Dioceſe, for the due and faithful Execution of his ſaid Office.

Perſons convicted of ſolemnizing Matrimony, without Publication of Banns, or Licence firſt had, or in any other Place than a Church or Publick Chapel, except by Special Licence, —to be tranſported;

—and the ſaid Marriages to be null.

VIII. And whereas many Perſons do ſolemnize Matrimony in Priſons and other Places without Publication of Banns, or Licence of Marriage firſt had and obtained; Therefore, for the Prevention thereof, be it enacted, That if any Perſon ſhall, from and after the ſaid Twenty fifth Day of March, in the Year One thouſand ſeven hundred and fifty four, ſolemnize Matrimony in any other Place than a Church or publick Chapel, where Banns have been uſually publiſhed, unleſs by ſpecial Licence from the Archbiſhop of Canterbury; or ſhall ſolemnize Matrimony without Publication of Banns, unleſs Licence of Marriage be firſt had and obtained from ſome Perſon or Perſons having Authority to grant the ſame, every Perſon knowingly and wilfully ſo offending, and being lawfully convicted thereof, ſhall be deemed and adjudged to be guilty of Felony, and ſhall be tranſported to ſome of His Majeſty's Plantations in America, for the Space of Fourteen Years, according to the Laws in Force for Tranſportation of Felons; and all Marriages ſolemnized from and after the Twenty fifth Day of March, in the Year One thouſand ſeven hundred and fifty four, in any other Place than a Church or ſuch publick Chapel, unleſs by Special Licence as aforeſaid, or that ſhall be ſolemnized without Publication of Banns, or Licence of Marriage from a Perſon or Perſons having Authority to grant the ſame, firſt had and obtained, ſhall be null and void to all Intents and Purpoſes whatſoever.

Proſecution for the ſame to be commenced within 3 Years.

IX. Provided, That all Proſecutions for ſuch Felony ſhall be commenced within the Space of Three Years after the Offence committed.

Proof of the Parties dwelling in the Pariſhes, &c. where Marriage ſhall have been ſolemnized, not neceſſary to the Validity of ſuch Marriage.

X. Provided always, That after the Solemnization of any Marriage, under a Publication of Banns, it ſhall not be neceſſary in Support of ſuch Marriage, to give any Proof of the actual Dwelling of the Parties in the reſpective Pariſhes or Chapelries wherein the Banns of Matrimony were publiſhed; or where the Marriage is by Licence, it ſhall not be neceſſary to give any Proof that the uſual Place of Abode of One of the Parties, for the Space of Four Weeks as aforeſaid, was in the Pariſh or Chapelry where the Marriage was ſolemnized; nor ſhall any Evidence in either of the ſaid Caſes be received to prove the contrary in any Suit touching the Validity of ſuch Marriage.

Marriages ſolemnized by Licence, without Conſent of the Parents or Guardians, where either of the Parties (not being a Widower or Widow) ſhall be under Age, declared to be void.

XI. And it is hereby further enacted, That all Marriages ſolemnized by Licence, after the ſaid Twenty fifth Day of March, One thouſand ſeven hundred and fifty four, where either of the Parties, not being a Widower or Widow, ſhall be under the Age of Twenty one Years, which ſhall be had without the Conſent of the Father of ſuch of the Parties, ſo under Age (if then living) firſt had and obtained, or if dead, of the Guardian or Guardians of the perſon of the party ſo under Age, lawfully appointed, or One of them; and in caſe there ſhall be no ſuch Guardian or Guardians, then of the Mother (if living and unmarried) or if there ſhall be no Mother living and unmarried, then of a Guardian or Guardians of the Perſon appointed by the Court of Chancery, ſhall be abſolutely null and void to all Intents and Purpoſes whatſoever.

Where the Guardians or Mother ſhall be *Non Compos Mentis*, or in Parts beyond the Seas, or ſhall unreaſonably withhold their Conſent to a Marriage propoſed,

—the parties may apply to the Lord Chancellor, &c.

—and being approved by Order of the Court, ſhall be effectual

XII. And whereas it may happen, that the Guardian or Guardians, Mother or Mothers, of the Parties to be married, or One of them, ſo under Age as aforeſaid, may be Non Compos Mentis, or may be in Parts beyond the Seas, or may be induced unreaſonably, and by undue motives to abuſe the Truſt repoſed in him, her, or them, by refuſing or with-holding his, her, or their Conſent to a proper marriage; be it therefore enacted, That in caſe any ſuch Guardian or Guardians, mother or mothers, or any of them, whoſe Conſent is made neceſſary as aforeſaid, ſhall be Non Compos Mentis, or in Parts beyond the Seas, or ſhall refuſe or with-hold his, her, or their Conſent to the Marriage of any Perſon, it ſhall and may be lawful for any Perſon deſirous of marrying, in any of the before-mentioned Caſes, to apply by petition to the Lord Chancellor, Lord Keeper, or the Lords Commiſſioners of the Great Seal of Great Britain for the time being, who is and are hereby impowered to proceed upon ſuch petition, in a ſummary Way; and in caſe the Marriage propoſed, ſhall upon Examination appear to be proper, the ſaid Lord Chancellor, Lord Keeper, or Lords Commiſſioners of the Great Seal for the time being, ſhall judicially declare the ſame to be ſo by an Order of Court, and ſuch Order ſhall be deemed and taken to be as good and effectual to all Intents and Purpoſes, as if the Guardian or Guardians, or mother of the Perſon ſo petitioning, had conſented to ſuch marriage.

Of Precontract, Conſent of Parents, Banns Licences, and due Solemnization by a Miniſter in due Time and Place.

XVII. Provided always, That this Act, or any thing therein contained, ſhall not extend to the Marriages of any of the Royal Family.

Marriages of the Royal Family,

XVIII. Provided likewiſe, That nothing in this Act contained ſhall extend to that Part of Great Britain called Scotland, nor to any marriages amongſt the People called Quakers, or amongſt the Perſons profeſſing the Jewiſh Religion, where both the Parties to any ſuch marriage ſhall be of the People called Quakers, or Perſons profeſſing the Jewiſh Religion reſpectively, nor to any marriages ſolemnized beyond the Seas.

—and of *Quakers* and *Jews*, and of Perſons in *Scotland*, or beyond the Seas, excepted out of this Act.

XIX. And be it further enacted by the Authority aforeſaid, That this Act ſhall be publickly read in all pariſh Churches and publick Chapels, by the Parſon, Vicar, Miniſter, or Curate of the reſpective Pariſhes or Chapelries, on ſome Sunday immediately after Morning Prayer, or immediately after Evening Prayer, if there ſhall be no Morning Service on that Day, in each of the months of September, October, November, and December, in the Year of our Lord One thouſand ſeven hundred and fifty three, and afterwards at the ſame Times, on Four ſeveral Sundays in each Year (that is to ſay) The Sundays next before the Twenty fifth Day of March, Twenty fourth Day of June, Twenty ninth Day of September, and Twenty fifth Day of December reſpectively, for two Years, to be computed from and immediately after the Firſt Day of January, in the ſaid Year One thouſand ſeven hundred and fifty three.

This Act to be read in all Pariſh-Churches and publick Chapels.

TIT. XXIV.

Probate of WILLS, and Adminiſtration of INTESTATE-ESTATES.

CAP. VIII.

INTESTATES *and* ADMINISTRATION.

Pag. 482. *After* 29 *Car. II. Cap.* 3. *before Sect.* 25. *inſert,*

XII. And for the Amendment of the Law in the Particulars following; Be it further enacted by the Authority aforeſaid, That from henceforth any Eſtate pur auter vie ſhall be deviſable by a Will in Writing, ſigned by the party ſo deviſing the ſame, or by ſome other perſon in his preſence and by his expreſs Directions, atteſted and ſubſcribed in the preſence of the Deviſor by three or more Witneſſes; and if no ſuch Deviſe thereof be made, the ſame ſhall be chargeable in the Hands of the Heir, if it ſhall come to him by reaſon of a ſpecial Occupancy, as Aſſets by Deſcent, as in Caſe of Lands in Fee-ſimple; and in Caſe there be no ſpecial Occupant thereof, it ſhall go to the Executors or Adminiſtrators of the Party that had the Eſtate thereof by Virtue of the Grant, and ſhall be Aſſets in their Hands.

Eſtates *pur auter vie* ſhall be deviſeable;

—and ſhall be Aſſets in the Heir's Hands.

—And where there is no ſpecial Occupant, ſhall go to the executors.

Pag. 483. *After* 1 *Jac. II. Cap.* 17. *inſert,*

A.D. 1741.

14 Georg. II. Cap. 20.

In an Act, Entituled, *An Act to amend the Law concerning common Recoveries, and to explain and amend an Act made in the Twenty ninth Year of the Reign of King* Charles *the Second, intituled,* An Act for Prevention of Frauds and Perjuries, *ſo far as the ſame relates to eſtates* pur auter vie.

IX. And whereas, by an Act made in the Twenty ninth Year of the Reign of King Charles the Second, Intituled, An Act for Prevention of Frauds and Perjuries, amongſt other Things, it is Enacted, That Eſtates pur auter Vie, whereof no Deviſe ſhould be made, ſhould, in caſe there ſhould be no ſpecial Occupant thereof, go to the Executors or Adminiſtrators of the Party that had the Eſtate thereof by virtue of the Grant, and ſhould be Aſſets in their Hands: And whereas Doubts have ariſen, where no Deviſe has been made of ſuch Eſtates, to whom the Surplus of ſuch Eſtates, after the Debts of ſuch deceaſed Owners thereof are fully ſatisfied, ſhall belong: be it enacted by the Authority aforeſaid, That ſuch Eſtates pur auter Vie, in caſe there be no ſpecial Occupant thereof, of which no Deviſe ſhall have been made according to the ſaid Act for Prevention of Frauds and Perjuries, or ſo much thereof as ſhall not have been ſo deviſed, ſhall go, be applied, and diſtributed, in the ſame Manner as the perſonal Eſtate of the Teſtator or Inteſtate.

29 Car. 2. c. 3.

Surplus of Eſtates *pur auter Vie*, how to paſs, if not deviſed.

CAP. X. *Fees to be paid by Seamen and Soldiers.*

Pag. 491. *After* 29 *Car.* 2. *c.* 3. *inſert,*

31 Geo. 2. c. 10.

An Act for the Encouragement of Seamen employed in the Royal Navy; and for eſtabliſhing a regular Method for the punctual, frequent, and certain Payment of their Wages; and for enabling them more eaſily and readily to remit the ſame for the Support of their Wives and Families; and for preventing Frauds and Abuſes attending ſuch Payments.

Fees of Court for Probate of Wills, *viz.*
1 *s.* for Goods under 20 *l.*
2 *s.* under 40 *l.*
3 *s.* under 60 *l.*
— and for iſſuing Commiſſions,
1 *s.* under 20 *l.*
2 *s.* under 40 *l.*
3 *s.* under 60 *l.*
No greater Fees to be taken under Penalty of 50 *l.*

XXIII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of November, no Eccleſiaſtical Court, or any Perſon or Perſons whatſoever, under any Pretence, ſhall take or receive any more than the Sum of One Shilling for the Seal, Parchment, Writing, and ſuing forth of the Probate of any Will, or any Letters of Adminiſtration, granted to the Widow or Children, Father or Mother, Brother or Siſter, or any inferior Officer, Seaman, or Marine whatſoever, dying in the Pay of his Majeſty's Navy, and for the Pains, Trouble, and Expence, attending the ſuing forth of ſuch Probate, or Letters of Adminiſtration, unleſs the Goods and Chattels of ſuch Officer, Seaman, or Marine, do amount to the Value of Twenty Pounds; nor more than the Sum of two Shillings, unleſs the Goods and Chattels of ſuch Officer, Seaman, or Marine, do amount to the Value of Forty Pounds; nor more than the Sum of Three Shillings, unleſs the Goods and Chattles of ſuch Officer, Seaman, or Marine, do amount to the Value of Sixty Pounds: And in all Caſes where it ſhall be neceſſary to iſſue Commiſſions. to ſwear the Widows or Children, Father or Mother, Brother or Siſter, being Executors or Adminiſtrators of ſuch inferior Officers, Seamen, or Marines, no Eccleſiaſtical Court, nor any Perſon or Perſons whatſoever, under any Pretence, ſhall take or receive more than the Sum of one Shilling for the Seal, Parchment, Writing, and ſuing forth of any ſuch Commiſſion, and for the Pains, Trouble, and Expence, attending the ſame, unleſs the Goods and Chattles of ſuch Officer, Seaman, or Marine, do amount to the Value of Twenty Pounds; nor more than the Sum of Two Shillings, unleſs the Goods and Chattles of ſuch Officer, Seaman, or Marine, do amount to the Value of Forty Pounds; nor more than the Sum of Three Shillings, unleſs the Goods and Chattles of ſuch Officer, Seaman, or Marine, do amount to the Value of ſixty Pounds: And if any Officer or Officers, or any other Perſon or Perſons, ſhall preſume to take any more than the ſaid Sums of One Shilling, Two Shillings, or Three Shillings, reſpectively, for the Seal, Parchment, Writing, and ſuing forth of the Probate of any ſuch Will, or any ſuch Letters of Adminiſtration, and for the Pains, Trouble, and Expence, attending the ſame; or for the Seal, Parchment, Writing, and ſuing forth of any ſuch Commiſſion as aforeſaid, and for the Pains, Trouble, and Expence, attending the ſame; the Perſon or Perſons ſo offending ſhall forfeit to the Party aggrieved the Sum of Fifty Pounds; to be recovered, with Full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere.

Penalty of perſonating an Officer, or Seaman, ſuppoſed to have Wages due to him,
— or his Executor, Relation, or Creditor,
— or of forging Letters of Attorney, Tickets, Certificates, or Wills;
— or of making a falſe Oath to obtain Probate of any Will, in order to receive the Wages, &c. of ſuch Perſon,

XXIV. And whereas divers wicked Practices have been carried on, by perſonating and falſely aſſuming the Names and Characters of Officers, Seamen, and others, intitled, or ſuppoſed to be intitled, to Wages, Pay, or other Allowances of Money, or Prize Money, for ſerving on Board of Ships or Veſſels of the Royal Navy, and by forging and counterfeiting Letters of Attorney, Bills, Tickets, Aſſignments, Laſt Wills, and other Authorities and Powers, from ſuch Officers and Seamen, and by falſely taking out Probate of Wills, and Letters of Adminiſtration, to ſuch Officers and Seamen; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of November, whoſoever willingly and knowingly ſhall perſonate, or falſely aſſume the Name or Character of, or procure any other to perſonate, or falſely to aſſume the Name or Character of, any Officer, Seaman, or other Perſon, intitled, or ſuppoſed to be intitled, to any Wages, Pay, or other Allowances of Money, or Prize Money, for Service done on Board of any Ship or Veſſel of His Majeſty, His Heirs, or Succeſſors; or the Executor or Adminiſtrator, Wife, Relation, or Creditor, of any ſuch Officer or Seaman, or other Perſon, in order to receive any Wages, Pay, or other Allowances of Money, or Prize Money, due, or ſuppoſed to be due or payable, for or on account of the Services of any ſuch Officer or Seaman, or other Perſon as aforeſaid; or ſhall forge or counterfeit, or procure to be forged or counterfeited, any Letter of Attorney, Bill, Ticket, Certificate, Aſſignment, Laſt Will, or any other Power or Authority whatſoever, in order to receive any ſuch Wages, Pay, or other Allowances of Money, or Prize Money, due, or ſuppoſed to be due, to any ſuch Officer or Seaman, or other Perſon, as aforeſaid; or ſhall willingly and knowingly take a falſe Oath, or procure any other Perſon to take a falſe Oath, to obtain the Probate of any Will or Wills, or to obtain Letters of Adminiſtration, in order to receive the Payment of any Wages, Pay, or other Allowances of Money, or Prize Money, due, or that were ſuppoſed to be due, to any ſuch Officer, Seaman, or other Perſon, as aforeſaid, who has really ſerved, or was ſuppoſed to have ſerved, on Board

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of any Ship or Veſſel of His Majeſty, His Heirs, or Succeſſors; every ſuch Perſon ſo offending, being lawfully convicted of any ſuch Offence or Offences, ſhall be deemed guilty of Felony, and ſhall ſuffer Death as a Felon, without Benefit of Clergy.

—is death.

Part of the ſeveral Acts of 9 & 10 *Will.* 3.

XXXII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of November, ſo much of an Act made in the Ninth and Tenth Year of the Reign of King William the Third, intituled, An Act for the better preventing the Imbezzlement of His Majeſty's Stores of War, and preventing Cheats, Frauds, and Abuſes, in paying Seamens Wages, as relates to the taking no more than the Sum of One Shilling for ſuing forth any Letters of Adminiſtration to the Wife or Children of any Seaman dying in the Pay of His Majeſty's Navy, unleſs the Goods and Chattles of ſuch Seamen do amount to the Sum of Twenty Pounds: And alſo ſo much of an Act made in the Fourth Year of the Reign of Queen Anne, intituled, An Act for the Encouragement and Increaſe of Seamen, and for the better and ſpeedier Manning of Her Majeſty's Fleet, as relates to the Payment of the Wages due to Seamen turned over from one Ship to another: And ſo much of an Act made in the Firſt Year of the Reign of His preſent Majeſty (intituled, An Act for granting an Aid to His Majeſty of Five hundred thouſand Pounds, towards diſcharging Wages due to Seamen; and for the conſtant, regular, and punctual Payment of Seamens Wages for the future; and for appropriating the Supplies granted in this preſent Seſſion of Parliament; and for diſpoſing of the Surplus of the Money granted for Half-pay for the Year One thouſand ſeven hundred and twenty ſeven) as contains any Proviſions relative to His Majeſty's Royal Navy, or the Commiſſioners thereof, or to the Captains, Commanders, Seamen, or other Perſons ſerving therein, or to the Payment of the Wages due for ſuch Service: And alſo an Act made in the Firſt Year of the Reign of His preſent Majeſty, intituled, An Act for encouraging Seamen to enter into His Majeſty's Service; ſhall be and are hereby repealed.

4 *Anne.*

1 *Geo.* 2.

1 *Geo.* 2. repealed.

An Abſtract of this Act, together with the Articles of War, to be printed;

—and Copies delivered to all Captains.

One to be kept conſtantly hung in the moſt publick Place of the Ship;

—and to be read to the Ship's Company, after the Articles, Once a month;

—of which proper Atteſtation is to be made at the Foot of the Muſter Books;

Commiſſioners of the Navy to inquire whether theſe Directions are complied with;

—to the End that Seamen may both know their Duty, and their Rights, and how to ſeek Redreſs for Injuries.

XXXIII. And be it further enacted by the Authority aforeſaid, That the Lord High Admiral of Great Britain, or the Commiſſioners for executing the Office of Lord High Admiral of Great Britain, ſhall direct an Abſtract of the Proviſions and Regulations herein contained, for the Benefit of Seamen belonging to the Ships and Veſſels of His Majeſty, His Heirs, and Succeſſors, together with the Articles of War, to be printed; and that a competent Number of the Copies thereof be delivered to the Captain or Commander of every ſuch Ship or Veſſel; and ſuch Captain or Commander, as ſoon as the Ship or Veſſel by him commanded ſhall be put into Sea Pay, ſhall cauſe One of the ſaid printed Abſtracts, together with the Articles of War, to be hung up and affixed to the moſt publick Place of ſuch Ship or Veſſel, and ſhall cauſe the ſame to be conſtantly kept up and renewed, ſo that they may be at all Times acceſſible to inferior Officers and Seamen on Board of ſuch Ship or Veſſel; and every ſuch Captain or Commander ſhall cauſe ſuch Abſtract to be audibly and diſtinctly read over Once in every Month, in the Preſence of the Officers and Seamen of ſuch Ship or Veſſel, immediately after the Articles of War are read; and the Reading both of the Articles of War, and of this Abſtract, and the Days when read, ſhall be atteſted by the Captain or Commander, and the uſual ſigning Officers, of ſuch Ship or Veſſel, at the Foot of the Muſter Books for ſuch Ship or Veſſel, before they are tranſmitted to the Commiſſioners of the Navy: And the ſaid Commiſſioners are hereby charged and directed ſtrictly to inquire whether the Directions hereby given for hanging up and affixing the ſaid Abſtract and Articles of War, and for the Reading of the ſame, as aforeſaid, have been duly obſerved by the Captain or Commander of ſuch Ship or Veſſel, and not to grant to ſuch Captain or Commander his General Certificate, until they are fully ſatisfied thereof; to the End and Intent that every Seaman employed in the Royal Navy of Great Britain may, at one and the ſame Time, hear and know the Forfeitures and Puniſhments he is liable to for any Neglect or Diſobedience, and likewiſe the Encouragements and Benefits to which he is intitled by a due and faithful Performance of his Duty; and that, upon ſuffering any Oppreſſion or Injury in ſuch Service, he may be the better enabled to lay his Complaint before the Lord High Admiral of Great Britain, or the Commiſſioners for executing the Office of Lord High Admiral of Great Britain, who are hereby reſpectively charged and directed, upon any ſuch Complaint being laid, ſtrictly to enquire into the Circumſtances of the ſame, and to grant immediate Redreſs therein, if ſuch Complaint ſhall be juſtly founded; and to take ſpecial and conſtant Care that this Act, and all the Proviſions and Regulations therein, be fully complied with, and punctually carried into Execution.

Form of the Abſtract.

XXXIV. And be it further enacted by the Authority aforeſaid, That the Abſtract herein before directed, ſhall be in the following Words; that is to ſay,

XXII. No more than One Shilling ſhall be taken by any Eccleſiaſtical Court, or other Perſon, for the Probate of any Will, or Letters of Adminiſtration, granted to the Widows, Children, Fathers, Mothers, Brothers, or Siſters, of inferior Officers, Seamen, or Marines, dying in the Service, and for the Pains, Trouble, and Expence, attending the ſame, unleſs the Goods and Chattles are of the Value of Twenty Pounds; nor more than Two Shillings, unleſs ſuch Goods and Chattles are of the Value of Forty Pounds; nor more than Three Shillings, unleſs ſuch Goods and Chattles are of the Value of ſixty Pounds: Nor more than One Shilling for iſſuing Commiſſions to ſwear ſuch Widows, Children, Fathers, Mothers, Brothers, or Siſters, being Executors or Adminiſtrators to inferior Officers, Seamen, or Marines, and for the Pains, Trouble, and Expence, attending the ſame, unleſs the Goods and Chattles are of the Value of Twenty Pounds; nor more than Two Shillings, unleſs the Goods and Chattles are of the Value of Forty Pounds; nor more than Three Shillings, unleſs the Goods and Chattles are of the Value of ſixty Pounds; under the Penalty of Fifty Pounds, to be paid by the Offender to the Party aggrieved.

XXIII. Whoever willingly and knowingly ſhall perſonate, or falſely aſſume, the Name or Character of, or procure any other to perſonate, or falſely to aſſume, the Name or Character of any Officer, Seaman, or other Perſon, intitled to Wages, Pay, Allowances, or Prize Money, for Service done on Board of any Ship of the Royal Navy, or the Executor, Adminiſtrator, Wife, Relation, or Creditor, of any ſuch Officer, Seaman, or other Perſon, in order to receive any Wages, Pay, Allowances, or Prize Money, or ſhall forge or counterfeit, or procure to be forged or counterfeited, any Letter of Attorney, or other Power or Authority whatſoever, in order to receive any Wages, Pay, Allowances, or Prize Money, or ſhall willingly and knowingly take a falſe Oath, or procure a falſe Oath to be taken, to obtain the Probate of a Will, or Letters of Adminiſtration, in order to receive any Wages, Pay, Allowances, or Prize Money, ſhall be guilty of Felony, and ſuffer Death.

XXXI. Part of ſeveral Acts made in the Ninth and Tenth Years of King William the Third, and in the Fourth Year of Queen Anne, and in the Firſt Year of King George the Second, and alſo another Act made in the ſaid Firſt Year of King George the Second, relating to Seamen, are repealed.

XXXII. This Abſtract, together with the Articles of War, ſhall be printed, and kept hung up in the moſt publick Place of every Ship of the Royal Navy, that it may be acceſſible to all inferior Officers and Seamen; and every Captain and Commander, ſhall cauſe the ſame to be read over Once in every Month after the Articles of War are read; and the Reading the ſame ſhall be atteſted by the Captain, or Commander, and ſigning Officers, at the Foot of the Muſter Books: To the End that every Seaman in the Royal Navy may know the Puniſhments he is liable to for any Neglect or Diſobedience, and the Encouragements he is intitled to by the Performance of his Duty; and that upon ſuffering any Injury, he may be enabled to lay his Complaint before the Lord High Admiral, or the Commiſſioners of the Admiralty, who are by the Act directed to enquire into the ſame, and to grant Redreſs, if ſuch Complaint be juſtly founded; and to take ſpecial Care that this Act be punctually carried into Execution.

TIT. XXV.

Proteſtant Diſſenters, and Conventicles.

CAP. III.

Diſſenters may not GOVERN, *nor* TEACH, *in* CORPORATIONS.

Pag. 508. *After Stat.* 10 *Annæ, inſert,*

12 Ann. Stat. 2. Cap. 7. A.D. 1713.

An Act to prevent the Growth of Schiſm, and for the further Security of the Churches of England, *and* Ireland, *as by Law eſtabliſhed.*

13, 14 Car. 2. c. 4. WHereas by an Act of Parliament made in the thirteenth and fourteenth Years of his late Majeſty King Charles the Second, intituled, An Act for the Uniformity of publick Prayers, and Adminiſtration of Sacraments, and other Rites and Ceremonies; and for eſtabliſhing the Form of making, ordaining, and conſecrating Biſhops, Prieſts and Deacons in the Church of *England*, it is, amongſt other Things Enacted, That every Schoolmaſter keeping any publick or private School, and every Perſon inſtructing or teaching any Youth in any Houſe or private Family, as a Tutor or Schoolmaſter, ſhould ſubſcribe, before his or their reſpective Archbiſhop, Biſhop, or Ordinary of the Dioceſe, a Declaration or Acknowledgment, in which, amongſt other Things was contained, as follows, viz. I A. B. do declare, That I will conform to the Liturgy of the Church of *England*, as it is now by Law eſtabliſhed; and if any Schoolmaſter, or other Perſon inſtructing or teaching Youth in any private Houſe or Family, as a Tutor or Schoolmaſter, ſhould inſtruct or teach any Youth as a Tutor or Schoolmaſter before Licence obtained from his reſpective Archbiſhop, Biſhop or Ordinary of the Dioceſe, according to the Laws and Statutes of this Realm, for which he ſhould pay twelve pence only, and before ſuch Subſcription and Acknowledgment made, as aforeſaid, then every ſuch Schoolmaſter and other inſtructing and teaching, as aforeſaid, ſhould, for the firſt Offence, ſuffer three Months Impriſonment without Bail or Mainprize, and for every ſecond, and other ſuch Offence ſhould ſuffer three Months Impriſonment without Bail or Mainprize, *Diſſenters may not govern, nor teach, in Corporations.*

and alſo forfeit to his Majeſty the Sum of five Pounds: And whereas notwithſtanding the ſaid Act, ſundry Papiſts and other Perſons diſſenting from the Church of England, have taken upon them to inſtruct and teach Youth as Tutors or Schoolmaſters, and have for ſuch Purpoſe openly ſet up Schools and Seminaries, whereby, if due and ſpeedy Remedy be not had, great Danger might enſue to this Church and State: For the making the ſaid recited Act more effectual, and preventing the Danger aforeſaid, &c.

A.D.1718.

5 Georg. I. Cap. 4.

An Act for ſtrengthning the Proteſtant Intereſt in theſe Kingdoms.

10 Ann. c. 2.

I. Whereas an Act of Parliament was made in the tenth Year of the Reign of the late Queen Anne, intituled, An Act for preſerving the Proteſtant Religion, by better ſecuring the Church of *England*, as by law eſtabliſhed; and for confirming the Toleration granted to Proteſtant Diſſenters by an Act, intituled, An Act for exempting their Majeſties Proteſtant Subjects, diſſenting from the Church of England, from the Penalties of certain Laws, and for ſupplying the Defects thereof; and for the further ſecuring the Proteſtant Succeſſion, by requiring the Practicers of the Law in *North Britain* to take the Oaths, and ſubſcribe the Declaration therein mentioned: And whereas Part of the ſaid Act, as alſo another Act herein after mentioned, have been found to be inconvenient: Be it therefore enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons, in Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act paſſed in the tenth Year of the late Queen Anne, from the Beginning thereof to theſe Words, And it is hereby further enacted and declared by the Authority aforeſaid, That the Toleration granted to Proteſtant Diſſenters, and alſo one Act made in the twelfth Year of the Reign of the late Queen Anne, intituled, An Act to prevent the Growth of Schiſm, and for the further Security of the Churches of *England* and *Ireland*, as by Law eſtabliſhed, ſhall be, and are hereby repealed, annulled and made void.

Part of the Act 10 Ann. c. 2. and the Schiſm Act of 12 Ann. Stat. 2. c. 7. repealed.

II. Provided always, and be it Enacted by the Authority aforeſaid, That if any Mayor, Bailiff or other Magiſtrate, in that Part of Great Britain called England, the Dominion of Wales, or the Town of Berwick upon Tweed, or the Iſles of Jerſey or Guernſey, ſhall knowingly or wilfully reſort to, or be preſent at any publick Meeting for religious Worſhip, other than of the Church of England as by Law eſtabliſhed, in the Gown or other peculiar Habit, or attended with the Enſign or Enſigns of or belonging to ſuch his Office, that every ſuch Mayor, Bailiff or other Magiſtrate, being thereof convicted by due courſe of Law, ſhall be diſabled to hold ſuch Office or Offices, Employment or Employments, and ſhall be adjudged incapable to bear any publick Office or Employment whatſoever within that Part of Great Britain called England, the Dominion of Wales, and Town of Berwick upon Tweed, or Iſles of Jerſey and Guernſey.

Mayor, &c. reſorting to any Conventicle with the Enſigns of his Office, diſabled to hold any publick Office.

A.D.1718.

5 Georg. I. Cap. 6.

An Act for quieting and eſtabliſhing Corporations.

13 Car. 2. Stat. 2. c. 1.

I. Whereas by an Act made in the thirteenth Year of King Charles the Second, intituled, An Act for the well governing and regulating of Corporations, it is, amongſt other Things Enacted, That every perſon or perſons, who from and after the Expiration of the Commiſſions in the ſaid Act mentioned, ſhould be placed, elected or choſen, in or to any the Offices or Places of Mayors, Recorders, Bailiffs, Town-Clerks, Common-Council-Men, or to any Office or Offices of Magiſtracy, or Places, or Truſts, or other Imployment relating to, or concerning the Government of Cities, Corporations and Boroughs, and Cinque-Ports and their Members, and other Port-Towns, ſhould at the ſame Time when the Oath for the due Execution of the ſaid Places and Offices reſpectively ſhould be adminiſtred, take the following Oath, viz.

The Oath in the recited Act.

I *A. B.* do declare and believe, That it is not lawful, upon any Pretence whatſoever, to take Arms againſt the King; and that I do abhor that traiterous Poſition of taking Arms by his Authority againſt his Perſon, or againſt thoſe that are commiſſioned by him.

So help me God.

And ſubſcribe the following Declaration, viz.

The Declaration.

Diſſenters may not govern, nor teach, in Corporations.

I *A. B.* do declare, That I hold there lies no Obligation upon me, or any other perſon, from the Oath commonly called, *The Solemn League and Covenant*; and that the ſame was in itſelf an unlawful Oath, and impoſed upon the Subjects of this Realm againſt the known Laws and Liberties of this Kingdom.

13 Car. 2. Stat. 2. c. 1.

And that in default thereof every ſuch Placing, Election and Choice ſhould be void: And whereas the taking the ſaid Oath, and ſubſcribing the ſaid Declaration, have for ſeveral Years laſt paſt been generally omitted, and Queſtions have of late ariſen, Whether the ſaid Statute made in the ſaid thirteenth Year of King Charles the Second, as to the ſaid Oath and Declaration, be yet in force: Therefore for avoiding of all ſuch Queſtions for the future, and for the eſtabliſhing the Peace and Quiet of Corporations, Be it declared and enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Member and Members of any Corporation within this Kingdom, and all and every perſon and perſons that were required by the ſaid above recited Act to take the ſaid Oath, or ſubſcribe the ſaid Declaration, ſhall be, and are hereby confirmed in their ſeveral and reſpective Offices and Places, notwithſtanding their Omiſſion to take the ſaid Oath, or ſubſcribe the ſaid Declaration, and ſhall be indemnified, freed and diſcharged of and from all Incapacities, Diſabilities, Forfeitures and penalties ariſing from ſuch Omiſſion, and none of their Acts ſhall be queſtioned or avoided for or by Reaſon of the ſame; but that all ſuch Acts ſhall be, and are hereby declared and enacted to be as good and effectual, as if all and every ſuch perſon and perſons had taken the ſaid Oath, and ſubſcribed the ſaid Declaration, according to the Direction of the ſaid Act.

Members of Corporations are confirmed in their Offices, though they have not taken the ſaid Oath and Declaration.
—and indemnified, &c.

So much of the recited Act as requires the taking the ſaid Oath, &c. repealed.

II. And be it alſo further enacted by the Authority aforeſaid, That ſo much of the ſaid Statute as requires the taking of the ſaid Oath, and ſubſcribing the ſaid Declaration, ſhall be, and is hereby repealed; and that neither the ſaid Oath or Declaration ſhall be required for the future.

13 Car. 2. Stat. 2. c. 1.

Members of Corporations, &c. who have omitted to take the Sacrament, as enjoined by the ſaid Act, ſhall nevertheleſs continue in their Offices, and be freed from all Incapacities, &c. ariſing from ſuch Omiſſion.

III. And whereas by the ſaid recited Act made in the thirteenth Year of King Charles the Second, it is enacted, That no perſon or perſons ſhall be placed, elected or choſen, in or to any of the Offices or Places relating to, or concerning the Government of any City, Corporation, Borough, Cinque-Port and their Members, and other Port-Towns, or any other Offices in the ſaid recited Act mentioned or expreſſed, that ſhall not have, within one Year next before ſuch Election or Choice, taken the Sacrament of the Lord's Supper, according to the Rites of the Church of England, and that in Default thereof every ſuch Placing, Election and Choice, ſhall be void: Be it further enacted by the Authority aforeſaid, That all and every the now member and members of any Corporation within this Kingdom, and all and every perſon and perſons now in actual Poſſeſſion of any Office, that were required by the ſaid above recited Act to take the Sacrament of the Lord's Supper according to the Rites of the Church of England within one Year next before his Election or Choice into ſuch Office, ſhall be, and are hereby confirmed in their ſeveral and reſpective Offices and Places, notwithſtanding their Omiſſion to take the Sacrament of the Lord's Supper as aforeſaid, and ſhall be indemnified freed and diſcharged, of and from all Incapacities, Diſabilities, Forfeitures and Penalties ariſing from ſuch Omiſſion; and that none of their Acts, nor the Acts not yet avoided, of any who have been Members of any Corporation, or in actual Poſſeſſion of ſuch Offices, ſhall be queſtioned or avoided for or by reaſon of ſuch Omiſſion; but that all ſuch Acts ſhall be, and are hereby declared and enacted to be as good and effectual as if all and every ſuch perſon and perſons had taken the Sacrament of the Lord's Supper in Manner as aforeſaid; nor ſhall any perſon or perſons, who ſhall be hereafter placed, elected or choſen, in or to any the Offices aforeſaid, be removed by the Corporation, or otherwiſe proſecuted for or by reaſon of ſuch Omiſſion; nor ſhall any Incapacity, Diſability, Forfeiture or Penalty, be incurred by reaſon of the ſame, unleſs ſuch perſon be ſo removed, or ſuch proſecution be commenced, within ſix months after ſuch Perſon's being placed or elected into his reſpective Office, as aforeſaid, and that in caſe of a Proſecution the ſame be carried on without wilful Delay.

CAP.

CAP. IV.

QUAKERS, *in particular.*

Pag. 514. *after* 7 & 8 *Will. III. Cap.* 34. *inſert,*

A.D.1697.

8 & 9 Will. III. Cap. 23.

An Act to enforce the Act for the Increaſe and Encouragement of Seamen.

VII. And be it further enacted by the Authority aforeſaid, That every Maſter or Commander of any Ship or Veſſel, mentioned in the ſaid recited Act, being a Quaker, may and ſhall be examined before the ſaid Commiſſioners appointed for regiſtring Seamen, or any Three or more of them, or their Deputy or Deputies, and the ſaid Commiſſioners or their Deputies may and ſhall, from time to time, take the ſolemn Affirmation and Declaration of ſuch Quakers inſtead of their Oath, and in ſuch Manner and Form as by One Act made in the Seventh and Eighth Years of the Reign of His Majeſty is directed, intituled, An Act that the ſolemn Affirmation and Declaration of the People commonly called *Quakers* ſhall be accepted inſtead of an Oath in the uſual Form: And ſuch Quakers refuſing to appear on ſuch Summons, or to anſwer or make ſuch ſolemn Affirmation or Declaration before the ſaid Commiſſioners, or their Deputy or Deputies, ſhall be deemed Offenders, and be liable to the ſame Penalties and Forfeitures mentioned in this Act for refuſing to appear and be examined upon Oath, or ſwear as aforeſaid; any thing in this Act before to the contrary notwithſtanding.

Quakers to make ſolemn Affirmation inſtead of an Oath.

A.D.1721.

8 Georg. I. Cap. 6.

An Act for granting the People called Quakers, *ſuch Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under.*

WHereas for giving ſome Eaſe to ſcrupulous Conſciences, an Act was made in the firſt Year of the Reign of their late Majeſties King William and Queen Mary, intituled, An Act for exempting their Majeſties Proteſtant Subjects, diſſenting from the Church of *England*, from the Penalties of certain Laws, whereby (among other Things) a Declaration of Fidelity, in the Form therein expreſſed, is appointed to be made and ſubſcribed by certain Perſons, Diſſenters from the Church of England, who ſcruple the taking of any Oath: And whereas an Act was made in the ſeventh and eighth Years of the Reign of his ſaid late Majeſty King William the Third, intituled, An Act that the ſolemn Affirmation and Declaration of the People called *Quakers*, ſhall be accepted inſtead of an Oath in the uſual Form, under the Proviſions therein mentioned, which Act being at firſt temporary, was afterwards farther continued by an Act made in the thirteenth and fourteenth Years of the Reign of his ſaid late Majeſty, and the ſame Act is made perpetual by an Act made in the firſt Year of his preſent Majeſty's Reign, by which laſt mentioned Act a Form, importing the Effect of the Abjuration Oath, is preſcribed to be taken by the ſaid People called Quakers: And whereas the Inconveniencies to the ſaid People called Quakers, and their Families, and to others requiring their Teſtimony, in many caſes are not ſufficiently avoided, by Reaſon of Difficulties among the ſaid Quakers, relating to the Forms of the Declaration, Affirmation and Abjuration before mentioned, as the ſame are now preſcribed: And whereas it is evident, that the ſaid People called Quakers, have not abuſed the Liberty and Indulgence allowed to them by Law, and they have given Teſtimony of their Fidelity and Affection to his Majeſty, and the Settlement of the Crown in the Proteſtant Line, and it is reaſonable to give them farther Eaſe and Relief: May it therefore pleaſe your moſt excellent Majeſty, that it may be Enacted, and be it Enacted by the Kings moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That in all Caſes, where by Law any Quaker is, or ſhall be required or permitted to make and ſubſcribe the Declaration of Fidelity in the Form preſcribed by the ſaid firſt mentioned Act, or to make the Solemn Affirmation or Declaration in the Form preſcribed by the ſaid Act of the ſeventh and eighth Years of the Reign of his ſaid late Majeſty King William the Third, or to take the Effect of the Abjuration Oath in

1 W. & M. *Seſſ.* 1. c. 18.

7 & 8 W. 3. c. 34.

13 & 14 W. 3. c. 4.

Where any Quaker is permitted to make the Declaration of Fidelity required by 1 W. & M. *Seſſ.* 1. c. 18. or the Affirmation preſcribed by 7 & 8 W. 3. c. 34. or to make the Effect of the Abjuration enjoined by 1 Geo. 1.

Quakers, in particular.

Stat. 2. c. 6. he ſhall make the following Declaration of Fidelity.

in the Form preſcribed by the ſaid Act of the firſt Year of his preſent Majeſty's Reign, every ſuch Quaker ſhall, inſtead of ſuch firſt mentioned Declaration of Fidelity, make and ſubſcribe a Declaration of Fidelity in the following Words, viz.

The Declaration.

I *A. B.* do ſolemnly and ſincerely promiſe and declare, That I will be true and faithful to King *George*; and do ſolemnly, ſincerely, and truly profeſs, teſtify and declare that I do from my Heart abhor, deteſt and renounce, as impious and heretical, that wicked Doctrine and Poſition, That Princes excommunicated or deprived by the Pope, or any Authority of the See of *Rome*, may be depoſed or murdered by their Subjects, or any other whatſoever. And I do declare, that no Foreign Prince, Perſon, Prelate, State or Potentate, hath or ought to have, any Power, Juriſdiction, Superiority, Preheminence or Authority, Eccleſiaſtical or Spiritual within this Realm.

And inſtead of the Affirmation in 7 & 8 W. 3. ſhall make the following Affirmation.

And inſtead of the Solemn Affirmation or Declaration, in the Form preſcribed by the ſaid Act of the ſeventh and eighth Years of the Reign of his ſaid late Majeſty King WILLIAM the Third, every ſuch Quaker ſhall make the ſolemn Declaration or Affirmation following, viz.

The Affirmation.

I *A. B.* do ſolemnly, ſincerely, and truly declare and affirm.

And inſtead of the Form of the Abjuration by 1 Geo. 1. Stat. 2. c. 6. ſhall take the Effect thereof as follows.

Effect of the Abjuration Oath.

And inſtead of the Form preſcribed by the ſaid Act of the firſt Year of his preſent Majeſty's Reign, for the Effect of the Abjuration Oath, every ſuch Quaker ſhall take the Effect thereof in the following Words, viz.

I *A. B.* do ſolemnly, ſincerely, and truly acknowledge, profeſs, teſtify and declare, That King GEORGE is lawful and rightful King of this Realm, and of all other his Dominions and Countries thereunto belonging; and I do ſolemnly and ſincerely declare, That I do believe the Perſon pretended to be the Prince of *Wales*, during the Life of the late King JAMES, and ſince his Deceaſe, pretending to be, and taking upon himſelf the Stile and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*, by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*, hath not any Right or Title whatſoever to the Crown of this Realm, nor any other the Dominions thereunto belonging; and I do renounce and refuſe any Allegiance or Obedience to him. And I do ſolemnly promiſe, that I will be true and faithful, and bear true Allegiance to King GEORGE, and to him will be faithful againſt all traiterous Conſpiracies and Attempts whatſoever, which ſhall be made againſt his Perſon, Crown or Dignity. And I will do my beſt Endeavour to diſcloſe and make known to King GEORGE, and his Succeſſors, all Treaſons and traiterous Conſpiracies, which I ſhall know to be made againſt him, or any of them. And I will be true and faithful to the Succeſſion of the Crown againſt him the ſaid *James*, and all other Perſons whatſoever, as the ſame is, and ſtands ſettled by an Act intituled, *An Act declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown*, to the late Queen ANNE, and the Heirs of her Body, being Proteſtants; and as the ſame, by one other Act, intituled, *An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject*, is, and ſtands ſettled and intailed, after the Deceaſe of the ſaid late Queen, and for Default of Iſſue of the ſaid late Queen, to the late Princeſs *Sophia*, Electoreſs and Dutcheſs Dowager of *Hanover*, and the Heirs of her Body, being Proteſtants. And all theſe Things I do plainly and ſincerely acknowledge, promiſe and declare, according to theſe expreſs Words by me ſpoken, and according to the plain and common Senſe and underſtanding of the ſame Words, without any Equivocation, mental Evaſion, or ſecret Reſervation whatſoever. And I do make this Recognition, Acknowledgment, Renunciation and Promiſe, heartily willingly and truly.

1 W. & M. Seſſ. 2. c. 2.

12 & 13 W. 3. c. 2.

The Perſons required to adminiſter the former Declaration, ſhall adminiſter the ſame in the Words appointed by this Act.

And all Perſons authorized or required to adminiſter or tender, either the ſaid former Declaration of Fidelity, or the ſaid former Solemn Affirmation or Declaration, or the former Effect of the Abjuration Oath aforeſaid, ſhall be, and are hereby authorized and required to adminiſter and tender the ſame reſpectively to the ſaid People called Quakers, in the Words by this Act reſpectively appointed.

The Declaration &c. appointed hereby, to be of the ſame force, as if taken in the Forms preſcribed by the former Acts.

II. And be it further enacted by the Authority aforeſaid, That the Declaration of Fidelity, and Solemn Affirmation or Declaration, and the Effect of the Abjuration Oath, appointed by this Act for the ſaid People called Quakers, inſtead of the reſpective Forms preſcribed for the ſame by the ſaid recited Acts, ſhall reſpectively be adjudged and taken to be of ſuch, and the ſame Force and Effect, and no other, to all Intents and Purpoſes, in all Courts of Juſtice and elſewhere, as if ſuch Quaker had made and ſubſcribed the Declaration of Fidelity, or had made the Solemn Affirmation or Declaration, or had taken the Effect of the Abjuration Oath, in the reſpective Form, appointed by the ſaid recited Acts: And if any Perſon making ſuch

Affir-

Quakers, in particular.

Affirmation or Declaration, as is appointed by this Act to be made, inſtead of the Affirmation or Declaration in the Form preſcribed by the before-mentioned Act of the ſeventh and eighth Years of the Reign of his ſaid late Majeſty King WILLIAM the Third, ſhall be lawfully convicted of wilful, falſe and corrupt Affirming or Declaring any Matter or Thing, which, if ſworn in the common or uſual Form, would have amounted to wilful and corrupt Perjury, every ſuch Perſon ſo offending ſhall incur and ſuffer ſuch and the ſame Pains, Penalties and Forfeitures, as are inflicted or enacted by the Laws and Statutes of this Realm, againſt Perſons convicted of wilful and corrupt Perjury.

— Perſons convicted of falſe affirming, &c. liable to the Pains of wilful Perjury.
7 & 8 W. 3. c. 34.

III. Provided always, That all Clauſes, Proviſoes and Exceptions, contained in the ſaid recited Acts, or any of them, not hereby expreſly altered or repealed, ſhall be of ſuch and the ſame Force and Effect, as they were before the making of this Act.

All Clauſes, &c. in the recited Acts, not hereby altered, to remain in Force.

A.D.1749.

22 Georg. II. Cap. 46.

An Act to continue ſeveral Laws for preventing Exactions of the Occupiers of Locks and Wears upon the River Thames *Weſtward, and for aſcertaining the Rates of Water-Carriage upon the ſaid River; and for continuing, explaining, and amending the ſeveral Laws for the better regulation of Attornies and Solicitors; and for regulating the Price and Aſſiſe of Bread; and for preventing the ſpreading of the Diſtemper amongſt the Horned Cattle; and alſo for making further Regulations with reſpect to Attornies and Solicitors; and for further preventing the ſpreading of the Diſtemper amongſt the Horned Cattle; and for the more frequent Return of Writs in the Counties Palatine of* Cheſter *and* Lancaſter; *and for aſcertaining the Method of levying Writs of Execution againſt the Inhabitants of Hundreds; and for allowing* Quakers *to make Affirmation in Caſes where an Oath is or ſhall be required.*

8 Geo. I. c. 6.

XXXVI. And whereas a Doubt hath ariſen, whether the ſolemn Affirmation or Declaration of the People called Quakers, preſcribed by an Act made in the Eighth Year of the Reign of his late Majeſty King George the Firſt, (intituled, An Act for granting the People called *Quakers,* ſuch Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under) can be allowed and taken inſtead of an Oath, in any Caſe wherein by any act or Acts of Parliament an Oath is required, unleſs the ſaid Affirmation or Declaration be, by ſuch Act or Acts of Parliament particularly and expreſly directed to be allowed and taken inſtead of ſuch Oath; by Reaſon of which Doubt the Teſtimony of the ſaid People called Quakers, is frequently refuſed, whereby the ſaid People, and others requiring their Evidence, are ſubjected to great Inconveniencies: Therefore, for removing the ſaid Doubt, be it enacted and declared by the Authority aforeſaid, That in all Caſes wherein by any Act or Acts of Parliament now in Force, or hereafter to be made, an Oath is or ſhall be allowed, authorized, directed, or required, the ſolemn Affirmation or Declaration of any of the People called Quakers, in the Form preſcribed by the ſaid Act made in the Eighth Year of His ſaid late Majeſty's Reign, ſhall be allowed and taken inſtead of ſuch Oath, although no particular or expreſs Proviſion be made for that Purpoſe in ſuch Act or Acts; and all Perſons who are, or ſhall be authorized or required to adminiſter ſuch Oath, ſhall be, and are hereby authorized and required to adminiſter the ſaid Affirmation or Declaration; and the ſaid ſolemn Affirmation or Declaration, ſo made as aforeſaid, ſhall be adjudged and taken, and is hereby enacted and declared to be of the ſame Force and Effect, to all Intents and Purpoſes, in all Courts of Juſtice, and other Places, where by Law an Oath is or ſhall be allowed, authorized, directed, or required, as if ſuch Quaker had taken an Oath in the uſual Form; and if any Perſon making ſuch Affirmation or Declaration, ſhall be lawfully convicted of having wilfully, falſely, and corruptly affirmed or declared any Matter or Thing, which, if the ſame had been depoſed in the uſual Form, would have amounted to wilful and corrupt Perjury, every Perſon ſo offending, ſhall incur and ſuffer the like Pains, Penalties, and Forfeitures, as by the Laws and Statutes of this Realm are to be inflicted on Perſons convicted of wilful and corrupt Perjury,

Affirmation of *Quakers* allowed in all Caſes in lieu of an Oath required by Act of Parliament.

Penalty on falſe affirming.

XXXVII. Provided nevertheleſs, and be it enacted, That no Quaker ſhall, by virtue of this Act, be qualified or permitted to give Evidence in any Criminal Caſes, or to ſerve on Juries, or to bear any Office or Place of Profit in the Government; any thing herein contained to the contrary notwithſtanding.

Not to extend to Criminal Caſes, *&c.*

CAP. V.

ANABAPTISTS, *in particular*.

Pag. 518. *After Article xxxviii, inſert,*

22 Georg. II. Cap. 30.

A.D. 1749.

An Act for encouraging the People known by the Name of Unitas Fratrum, *or* United Brethren, *to ſettle in his Majeſties Colonies in* America.

Whereas many of the People of the Church or Congregations called the Unitas Fratrum or United Brethren, are ſettled in His Majeſty's Colonies in America, and demean themſelves there as a ſober, quiet, and induſtrious People; and many others of the ſame Perſuaſion are deſirous to tranſport themſelves to, and make larger Settlements in, the ſaid Colonies at their own Expence, provided they may be indulged with a full Liberty of Conſcience, and in the Exerciſe of the Religion they profeſs; and ſeveral of the ſaid Brethren do conſcientiouſly ſcruple the taking of an Oath, and likewiſe do conſcientiouſly ſcruple bearing Arms, or perſonally ſerving in any military Capacity, although they are willing and ready to contribute whatever Sums of Money ſhall be thought a reaſonable Compenſation for ſuch Service, and which ſhall be neceſſary for the Defence and Support of His Majeſty's Perſon and Government: And whereas the ſaid Congregations are an ancient Proteſtant Epiſcopal Church, which has been countenanced and relieved by the Kings of England, Your Majeſty's Predeceſſors: And whereas the encouraging the ſaid People to ſettle in America, will be beneficial to the ſaid Colonies; therefore may it pleaſe Your Majeſty, at the humble Petition of Abraham Baron of Gerſdorff, Lewis Baron Schrautenbach free Lord of Lindheim, David Nitſchmann Syndic, Charles Sehachmann Baron of Hermſdorff, and Henry Coſſart Agent, Deputies from the ſaid Moravian Churches, in Behalf of themſelves and their United Brethren, that it may be enacted; and be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of June, One thouſand ſeven hundred and forty nine, every Perſon being a Member of the ſaid Proteſtant Epiſcopal Church, known by the Name of Unitas Fratrum, or the United Brethren, and which Church was formerly ſettled in Moravia and Bohemia, and are now in Pruſſia, Poland, Sileſia, Luſatia, Germany, the United Provinces, and alſo in His Majeſty's Dominions, who ſhall be required upon any lawful Occaſion to take an Oath in any Caſe where by Law an Oath is or ſhall be required, ſhall, inſtead of the uſual Form, be permitted to make his or her ſolemn Affirmation or Declaration in theſe Words following:

Members of *Unitas Fratrum* allowed to make a ſolemn Affirmation in lieu of an Oath.

Form of Affirmation.

I *A. B.* do declare in the Preſence of Almighty God, the Witneſs of the Truth of what I ſay.

Which ſaid ſolemn Affirmation or Declaration ſhall be adjudged and taken, and is hereby enacted and declared to be of the ſame Force and Effect, to all Intents and Purpoſes, in all Courts of Juſtice, and other Places where by Law an Oath is or ſhall be required within the Kingdoms of Great Britain and Ireland, and alſo in all and every of His Majeſt'y Colonies and Dominions in America, as if ſuch Perſon had taken an Oath in the uſual Form.

Penalty of falſe affirming.

II. And be it further enacted by the Authority aforeſaid, That any Perſon making ſuch ſolemn Affirmation or Declaration, who ſhall be lawfully convicted, wilfully, falſly, and corruptly to have affirmed or declared any Matter or Thing, which, if the ſame had been depoſed on Oath in the uſual Form, would have amounted to wilful and corrupt Perjury, every ſuch Perſon ſo offending ſhall incur the ſame Pains and Penalties, as by the Law and Statutes of this Realm are enacted againſt Perſons convicted of wilful and corrupt Perjury.

Not to extend to Criminal Caſes, *&c.*

III. Provided, and be it enacted, That no Perſon being of the ſaid Church or Congregation called the Moravian or United Brethren, ſhall, by virtue of this Act be qualified to give Evidence in any Criminal Cauſes, or to ſerve on Juries; any thing contained in this Act to the contrary notwithſtanding.

Moravians ſummoned to do any military Service to be diſcharged,

IV. And be it further enacted, That every Perſon who is a Member of the ſaid Church or Congregation, who ſhall reſide in any of His Majeſty's Colonies in America, who ſhall at any Time after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and forty nine, be ſummoned to bear Arms, or do military Service, in any of His Majeſty's ſaid Colonies or Provinces of America, ſhall, on his Appli-

Anabaptiſts, in particular.

Application to the Governor or Commander in Chief of the ſaid Colony or Province, or to ſuch Officer or Perſon, by whom ſuch Perſon ſhall have been ſummoned or required to ſerve, or be muſtered, be diſcharged from ſuch Perſonal Service; provided that ſuch Perſon, ſo deſiring to be diſcharged from ſuch Perſonal Service, contribute and pay ſuch Sum of Money as ſhall be rated and aſſeſſed on him in lieu of ſuch Perſonal Service, ſo as ſuch Sum ſhall be rated, aſſeſſed, and levied, and be in ſuch Proportion, as is uſually rated, aſſeſſed, levied, and paid, by other Perſons reſiding in the ſame Colony or Province, who are by reaſon of Age, Sex, or other Infirmity, unable to do perſonal Service, and who are poſſeſſed of Eſtates of the ſame Nature as the Perſons deſiring ſuch Diſcharge.

—upon Payment of the Rate aſſeſſed;

V. And to prevent any Doubt which may ariſe, whether any Perſon, pretending or claiming to be a Member of ſuch Church or Congregation, is actually a Member thereof, be it further enacted by the Authority aforeſaid, That all and every perſon and perſons whatſoever, who ſhall, as a Member or Members of ſuch Church or Congregation, claim the Benefit of this Act, or of any Matter or Thing herein contained, ſhall, at the Time when he or they make ſuch Claim, produce a Certificate ſigned by ſome Biſhop of the ſaid Church, or by the Paſtor of ſuch Church or Congregation who ſhall be neareſt to the place where ſuch Claim is made; and ſhall be examined concerning the Matters contained in the ſaid Certificate, and the due Execution thereof; and ſuch perſon ſo affirming to the beſt of his Knowledge and Belief in Manner herein before mentioned, or proving by the Teſtimony of other legal Witneſs, that the ſaid Certificate was duly executed by ſuch Biſhop or Paſtor, and alſo affirming, that he is actually a Member of the ſaid Church, known by the Name of Unitas Fratrum, or United Brethren, ſhall be adjudged, deemed, and taken to be actually a Member of the ſaid Church or Congregation, and as ſuch ſhall be intitled to the Benefit of this Act.

—and producing a Certificate from ſome Biſhop of the ſaid Church, *&c.*

VI. And be it further enacted, That any perſon who ſhall be lawfully convicted of having wilfully, falſly, and corruptly affirmed or declared in Manner aforeſaid, that ſuch Cettificate was duly executed, or that he is a Member of ſuch Church, when in Fact ſuch Affirmation is untrue, ſuch perſon ſo falſly affirming, and being duly convicted thereof, ſhall incur the ſame pains and penalties, as by the Law and Statutes of this Realm are enacted againſt perſons convicted of wilful aud corrupt Perjury.

Penalty of falſe Affirming.

VII. And that it may be known whether ſuch Biſhops and Paſtors, ſo ſigning ſuch Certificates be of the Church known by the Name of Unitas Fratrum, or United Brethren, within the Meaning of this Act, be it further enacted, That the Advocate of the ſaid Church or Congregation of the United Brethren for the time being, ſhall lay, or cauſe to be laid before The Commiſſioners for Trade and Plantations, in order that the ſame may remain in their Office, a Liſt or Liſts of all the Biſhops of the ſaid Church of the United Brethren, who are appointed by them to grant Certificates as aforeſaid, together with their Hand-writing, and uſual Seal; and that, from time to time, the ſaid Advocate ſhall ſend to the ſaid Commiſſioners for Trade and Plantations, the Names, Hand-writing, and Seals of any Biſhops, that ſhall be hereafter conſecrated and appointed by them as aforeſaid, and the Names of ſuch Paſtors as ſhall be authorized by the ſaid Advocate or Biſhops to give Certificates in any of His Majeſty's Colonies in America.

The Advocate to lay before *The Commiſſioners for Trade* Liſts of the Biſhops appointed to grant Certificates, *&c.*

VIII. And be it enacted and declared by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a publick Act; and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other perſons whatſoever, without ſpecially pleading the ſame.

Publick Act.

CAP. VII.

TOLERATION of the EPISCOPAL CLERGY in NORTH BRITAIN.

Pag. 525, *after* 10 *Annæ*, *Cap.* 7. *inſert*,

5 Georg. I. Cap. 29.

A.D.1718.

An Act for making more effectual the Laws appointing the Oaths for Security of the Government to be taken by Miniſters and Preachers in Churches and Meeting-Houſes in Scotland.

No Perſons ſhall preach, &c. in any Epiſcopal Congregation in *Scotland*, but ſuch who ſhall pray for King *George*, *&c.* and who ſhall have taken the ſaid Oath.

III. And be it alſo further enacted by the Authority aforeſaid, That no perſon ſhall take upon him to preach, read Prayers, or perform any Part of Divine Service in any Epiſcopal Meeting-houſe or Congregation, where the Number of nine or more perſons ſhall be preſent, over and beſides thoſe of the ſame Houſhold, in Scotland, or to ſupply the place of any Paſtor, or Paſtors, Miniſter or Miniſters, in any ſuch Epiſcopal Congregation or Meeting-houſe, but ſuch who ſhall pray in expreſs Words for his moſt excellent Majeſty King GEORGE, their Royal Highneſſes the Prince and Princeſs of Wales and their Iſſue, and who ſhall have taken and ſubſcribed the ſaid Oath in one or other of the Courts of Seſſion, Juſticiary, or Exchequer in Scotland, or before the Juſtices of the Peace at their Quarter-Seſſions, or Sheriffs or Stewarts of any Shire or Stewartry, in open Court as aforeſaid, within which any ſuch perſon or perſons is reſident, or the Meeting-houſe where he ſhall take upon him to preach or perform any Part of Divine Service is ſituated; which Oaths the ſaid Judges, Juſtices, Sheriffs or Stewarts ſhall adminiſter; and the Clerks of the Court reſpectively ſhall grant Certificates in the ſame Manner as above directed in the Caſe of ſuch as offer themſelves to Trial in order to obtain Licence, or be ordained.

19 Georg. II. Cap. 38.

A.D.1746.

An Act more effectually to prohibit and prevent Paſtors or Miniſters from officiating in Epiſcopal Meeting-houſes in Scotland, *without duly qualifying themſelves according to Law; and to puniſh Perſons for reſorting to any Meeting-houſes where ſuch unqualified Paſtors or Miniſters ſhall officiate.*

See 21 Geo. II. c. 34.

WHereas it is notorious, that for many Years laſt paſt, during the Reign of His preſent Majeſty, and of His late Majeſty King GEORGE the Firſt, a great Number of Meeting-houſes have been ſet up and maintained in the City of Edinburgh, and other Parts of Scotland, by perſons profeſſing to be of the Epiſcopal Communion, whereof the Paſtors or Miniſters have never taken the Oaths to His Majeſty, or His Royal Father, nor ever did, in expreſs Words, during the Exerciſe of Divine Service, pray for His Majeſty, and the Royal Family; by Means whereof thoſe illegal Meetings have greatly contributed to excite and foment a Spirit of Diſaffection amongſt Numbers of perſons in that Part of the Kingdom, againſt His Majeſty's Perſon and Government; which hath been One of the Cauſes of the wicked and unnatural Rebellion, lately raiſed and carried on againſt His Majeſty, in Favour of a Popiſh Pretender: And whereas the Abuſe of ſo much Lenity and Forbearance, as has been hitherto ſhewn under the gracious and mild Government of His Majeſty, and His Royal Father, towards ſuch Nonjuring Epiſcopal Miniſters, makes it abſolutely neceſſary, that the Laws in Force concerning them be more punctually executed, and that ſome further Proviſion be made, to prevent the Continuance of ſo great a miſchief; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every the Sheriffs of Shires, Stewards of Stewarties in Scotland, and their Deputies, and the Magiſtrates of Royal Boroughs, ſhall, and they are hereby authorized and ſtrictly required, with all convenient Speed, on or before the Firſt Day of November, in the Year of our Lord One thouſand ſeven hundred and forty ſix, to enquire, by Examination of Witneſſes upon Oath, or other credible Information, into the Number and Situation of the Epiſcopal Meeting-houſes within their reſpective Juriſdictions, and ſhall cauſe Liſts to be made of the ſame, and to be entered and inſerted in a Book which ſhall be provided and kept for that Purpoſe, by the Clerks belonging to their Juriſdictions reſpectively,

Sheriffs, *&c.* to enquire into the Number of Epiſcopal Meeting-Houſes.

— Liſts to be made.

Toleration of the Epiſcopal Clergy in North Britain.

—Copies to be tranſmitted to the Clerk of each Houſe of Parliament.

ſpectively, and ſhall forthwith tranſmit true Copies thereof to the Clerk of each Houſe of Parliament, to be laid before the ſaid Houſes reſpectively at their next Meeting.

Paſtors to produce Certificates of their being qualified.

—Clerk to enter the ſame.

—Copies to be tranſmitted.

—Copies to be affixed on the Meeting-Houſe.

II. And be it further enacted by the Authority aforeſaid, That every Perſon who now is Paſtor or Miniſter of any Epiſcopal Congregation in Scotland, ſhall, and he is hereby required, on or before the ſaid Firſt Day of September, in the Year of our Lord One thouſand ſeven hundred and forty ſix, to produce to the Clerk of the Shire, Stewartry, or Borough where his Meeting-houſe is ſituated, a Certificate from the proper Officer, of his having qualified himſelf by taking the Oaths to His Majeſty appointed by Law, of which Certificate the Clerk ſhall forthwith make an Entry in the ſaid Book appointed for keeping a Liſt or Regiſter of the Meeting-houſes within that Jurisdiction; which Entry ſhall expreſs the Name of the Miniſter whom the Certificate concerns, and the Situation and Deſcription of the Meeting-houſe where he officiates as Miniſter or Paſtor; Copies of which Entries ſhall likewiſe be tranſmitted by the ſaid Clerk, to the Clerk of each Houſe of Parliament, for the Purpoſe aforeſaid; and the ſaid Clerk of ſuch Shire, Stewartry or Borough, ſhall likewiſe deliver Two atteſted Copies of ſuch Certificate to ſuch Paſtor or Miniſter, One of them to be by him fixed on the Outſide of the Meeting-houſe where he ſhall officiate, on or near the Door thereof, and the other in ſome conſpicuous Place within ſuch Meeting-houſe; for each of which laſt mentioned Copies, the Sum of Six Pence Sterling ſhall be paid, and no more.

Miniſters to pray for the King, *&c.* by Name, as directed in the Liturgy.

III. And be it further enacted by the Authority aforeſaid, That every Paſtor or Miniſter who ſhall, at any Time after the ſaid Firſt Day of September, officiate in any Epiſcopal Meeting-houſe or Congregation, ſhall, as often as he ſhall ſo officiate, at ſome Time during the Exerciſe of Divine Service in ſuch Epiſcopal Meeting-houſe or Congregation, pray for the King's moſt Excellent Majeſty, His Heirs or Succeſſors, by Name, and for all the Royal Family, in the ſame Form of Words as His Majeſty, His Heirs or Succeſſors, and the Royal Family are or ſhall be directed by lawful Authority to be prayed for in the Prayers for the Royal Family, contained in the Liturgy of the Church of England.

Paſtors not producing Certificates, *&c.* their Meeting-Houſes to be ſhut up.

—Proprietor, *&c.* to give 100*l.* Security before admitted to Acceſs.

IV. And be it further enacted, That the ſaid Sheriffs, Stewards, and their Deputies, and Magiſtrates of Boroughs, ſhall be obliged, and they are hereby ſtrictly enjoined and required, immediately after the ſaid Firſt Day of November, forthwith to ſhut up, or cauſe to be ſhut up, the Doors of the Meeting-houſes, or other Places where ſuch Epiſcopal Aſſemblies or Meetings have been or ſhall be held, whereof the Paſtor or Miniſter ſhall not have produced to their Clerks reſpectively the Certificate of his having been qualified as aforeſaid, or wherein His Majeſty, His Heirs or Succeſſors, and the Royal Family, ſhall not be prayed for in expreſs Words, in the Manner before directed; and ſhall not again give Acceſs to the ſaid Houſes, or other Places of Meeting, until the Proprietor, Tenant, or Poſſeſſor thereof ſhall enact himſelf, with One or more ſufficient Sureties, in the Court Books of the ſaid Sheriff, Steward, or Royal Borough, under the Penalty of One hundred Pounds Sterling Money, to be paid to the ſaid Judges or Magiſtrates, for the Uſe of His Majeſty, that he or ſhe ſhall not permit or ſuffer ſuch Houſe or Place to be employed or made uſe of as an Epiſcopal Meeting-houſe, by any Paſtor or Miniſter not qualifying himſelf as aforeſaid, and conforming to the Regulations before mentioned, at any Time hereafter, during ſuch Time as he or ſhe ſhall continue Proprietor, Tenant, or Poſſeſſor thereof.

Paſtors unqualified, *&c.* officiating, *&c.*

—Penalty.

V. And be it further enacted, That if any Perſon ſhall, from and after the ſaid Firſt Day of September, preſume to enter upon, or exerciſe the Function of a Paſtor or Miniſter of any Epiſcopal Meeting or Congregation in Scotland, without having firſt cauſed his Letters of Orders to be entered on Record, or regiſtered, or without having firſt qualified himſelf by taking and ſubſcribing the Oaths, in ſuch manner as all Officers, civil and military, in Scotland, are by Law obliged to take and ſubſcribe the ſame, or without having firſt produced, and cauſed to be entered, in the manner herein before directed, in the Books to be kept by the Clerk of the Sheriff, Steward, or Borough Courts reſpectively where ſuch Perſon propoſes to officiate as a Paſtor or Miniſter, His Name and Place of Abode, and the Place where his Meeting is to be held, and the Certificate of his having taken and ſubſcribed the Oaths as aforeſaid; or in Caſe any Perſon who ſhall officiate as a Paſtor or Miniſter in any ſuch Epiſcopal Meeting-houſe or Congregation, ſhall not, as often as he ſhall ſo officiate, at ſome Time during Divine Service, pray for His Majeſty by Name, His Heirs or Succeſſors, and all the Royal Family, in the manner herein before directed; every Perſon ſo offending in any of the Premiſſes, being thereof lawfully convicted before any Two or more Juſtices of the Peace, or before any other Judge competent of the Place, ſummarily, ſhall, for the Firſt Offence, ſuffer Impriſonment by the Space of Six months; and for the Second, or any ſubſequent Offence, being thereof lawfully convicted before the Court of Juſticiary, or in any of the Circuit Courts, ſhall be adjudged to be tranſported, and ſhall accordingly be tranſported to ſome of his Majeſty's Plantations in America for Life; and in caſe any Perſon adjudged to be ſo tranſported ſhall return into, or be found in Great Britain, then every ſuch Perſon ſhall ſuffer Impriſonment for Life.

Deſcription of an Epiſcopal Meeting-Houſe.

VI. And for the better aſcertaining what ſhall be deemed an Epiſcopal Meeting-houſe within the true Intent and Meaning of this Act, and to prevent Evaſions thereof, be it further enacted and declared, That any Meeting, Aſſembly, or Congregation in Scotland, where there ſhall be Five Perſons or more aſſembled or met together to hear Divine Service, over and beſides thoſe of the Houſhold, if it be in any Houſe where there is a Family inhabiting, or if it be in an Houſe or Place where there is no Family inhabiting, then, where any ſuch Five or more Perſons ſhall be ſo aſſembled and met together to hear Divine Service, and where Divine Service ſhall be performed by a Paſtor or Miniſter, being of, or profeſſing to be of the Epiſcopal Communion, every ſuch Meeting, Aſſembly or Congregation, ſhall be deemed and taken to be an Epiſcopal Meeting-houſe within the true Intent and meaning of this Act.

Sheriffs, *&c.* to make Enquiry of Offences, and proſecute, *&c.*

— Informations in Caſes of Tranſportation and Impriſonment for Life,

— to be intimated to the King's Advocate.

VII. And be it further enacted by the Authority aforeſaid, That the ſaid Sheriffs and Stewards, and their Deputies, and the magiſtrates of Royal Boroughs, ſhall be obliged and are hereby ſtrictly enjoined and required hereafter from time to time, to make diligent Enquiry within their reſpective Juriſdictions, concerning any Offences that ſhall be committed againſt this Act, or the other Laws now in being concerning the Paſtors or miniſters officiating in any Epiſcopal meeting-houſe in Scotland; and whenever they ſhall find that any meeting-houſe within their Juriſdiction, hath been ſet up or maintained without ſuch Entry being made as aforeſaid, or that the Paſtor or miniſter officiating in any Epiſcopal meeting-houſe hath been guilty of neglecting to pray, in expreſs Words, for his Majeſty, his Heirs or Succeſſors, by Name, and all the Royal Family, in the Manner herein before directed, they are hereby authorized and required to cauſe ſuch Offences to be proſecuted before them, and to ſhut up, or otherwiſe ſuppreſs ſuch Meeting-houſes, and to inflict the Penalties impoſed by this or other Acts againſt the Miniſters or Paſtors officiating therein in ſuch Manner as is not allowed by Law: And in caſe any Information ſhall be given to the ſaid Sheriffs, Stewards, or their Deputies, or to the Magiſtrates of Royal Boroughs; or if it ſhall appear to any of them, upon ſuch Enquiry as aforeſaid, that any Offence has been committed againſt this Act, for which the Penalty of Tranſportation, or Impriſonment for Life, is hereby inflicted; then ſuch Sheriff, Steward, his Deputy, or other Magiſtrate, ſhall cauſe Intimation to be made thereof in Writing, to his Majeſty's Advocate for Scotland, who is hereby required to proſecute the ſame with Effect.

Perſons reſorting to unregiſter'd Meeting-Houſes, *&c.*

— and not giving Information, — Penalty.

VIII. And be it further enacted by the Authority aforeſaid, That if any Perſon, at any Time after the ſaid Firſt Day of September, ſhall reſort to, or frequent any Epiſcopal Meeting-houſe or Congregation in Scotland, whereof the Paſtor's or Miniſter's Letters of Orders ſhall not be entered on Record, or regiſtered as aforeſaid, or whereof a Certificate of the Paſtor or Miniſter's having taken the Oaths, and his Name and Place of Abode, and alſo the Place where his Meeting is to be held, ſhall not be entered according to the Directions of this Act, or where the Paſtor or Miniſter ſhall not pray, in expreſs Words, for his Majeſty, his Heirs or Succeſſors, by Name, and all the Royal Family, in the Manner before directed, every Perſon ſo offending, who ſhall not, within the Space of Five Days, give Information of ſuch illegal Meeting to ſome proper Magiſtrate, ſuch Perſon ſo offending, and being thereof lawfully convicted before any Two or more of his Majeſty's Juſtices of the Peace, or before any other Judge competent of the Place, ſummarily, ſhall, for the Firſt Offence, forfeit the Sum of Five Pounds Sterling Money; One Moiety thereof to the Uſe of his Majeſty, his Heirs or Succeſſors, and the other Moiety to the Uſe of ſuch Perſon who ſhall give Information of the ſaid Offence, and ſuffer Impriſonment by the Space of Six Months, unleſs, or until the ſame be paid; and for the Second, or any ſubſequent Offence, being thereof lawfully convicted before the Court of Juſticiary, or in any of the Circuit Courts, ſhall ſuffer Impriſonment for the Space of Two Years from the Date of ſuch Conviction.

Letters of Orders to be by a Biſhop of *England* or *Ireland*.

IX. And be it enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of September, no Letters of Orders of any Paſtor or Miniſter of any Epiſcopal Meeting or Congregation in Scotland, ſhall be deemed ſufficient, or be admitted to be regiſtered, but ſuch as have been given by ſome Biſhop of the Church of England, or of Ireland; and in caſe any Letters of Orders, other than ſuch as are before deſcribed, ſhall be regiſtered, ſuch Regiſtration ſhall be deemed null and void to all Intents and Purpoſes.

Proſecutions to be commenced within 12 Months.

X. Provided always, That every Proſecution for any Offence committed againſt this Act, ſhall be commenced within the Space of Twelve Months after ſuch Offence committed, and not afterwards.

XI. And whereas it is juſt and neceſſary to provide, that thoſe who give Reaſon to ſuſpect their being diſaffected to his Majeſty's Perſon and Government, and the preſent happy Eſtabliſhment, by their frequenting or reſorting to ſuch illegal Meeting-houſes, ing-houſes, where His Majeſty is not prayed for in expreſs Words, ſhould be reſtrained from the Power of hurting that Eſtabliſhment to which they ſhew ſuch Diſaffection; be it therefore further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of September, no Peer of Scotland ſhall be capable of being elected One of the Sixteen Peers, to ſit and vote in the Houſe of Peers in the Parliament of Great Britain, or of voting in the Election of any of the ſaid Sixteen Peers, who ſhall have, at any Time within One Year preceding ſuch Election, been Twice preſent at Divine Service in any Epiſcopal Meeting or Congregation in Scotland, not held and allowed in purſuance of an Act made in the Tenth Year of the Reign of Queen ANNE, intituled, An Act to prevent the diſturbing thoſe of the Epiſcopal Communion, in that Part of *Great Britain* called *Scotland,* in the Exexciſe of their Religious Worſhip, and in the Uſe of the Liturgy of the Church of *England*; and for repealing the Act paſſed in the Parliament of *Scotland,* intituled, *Act againſt irregular Baptiſms and Marriages*; or which ſhall not, after the ſaid Firſt Day of September, be regiſtered according to the Directions of this Act; or where the Paſtor or Miniſter officiating did not, in expreſs Words, pray for His Majeſty, His Heirs or Succeſſors, by Name, and for all the Royal Family; and it ſhall be competent for any Peer of Scotland, preſent at the Election of the ſaid Sixteen Peers, or any of them, to make this Objection, and to prove the ſame by a Witneſs or Witneſſes upon Oath, or by referring it to the Oath of the Peer ſo objected to; which Oath the Lord Clerk Regiſter, or either of the Two Clerks of Seſſion, appointed by him to officiate in his Name at ſuch Election of Sixteen Peers, or of any of them, is hereby impowered to adminiſter; and in caſe the ſame ſhall be proved, or the Peer ſo objected to ſhall admit the Fact, or refuſe to depoſe concerning it, he ſhall be, and is hereby diſqualified from, and rendered incapable of voting, or being choſen at any ſuch Election as aforeſaid; but ſuch Admiſſion, or Confeſſion upon Oath, or otherwiſe ſo made at ſuch Meeting, aſſembled for any ſuch Election, ſhall not be made uſe of, or given in Evidence againſt any ſuch Peer, upon any Proſecution for any Penalty inflicted by this or any former Act of Parliament.

Peers preſent at unregiſter'd Meeting Houſes, *&c.* diſqualified from voting, or being elected.

10 Ann. c 7.

— Proof.

— Oath, by whom to be adminiſter'd.

— Admiſſion not to be Evidence upon Proſecution for Penalties.

XII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of September, no Perſon ſhall be capable of being elected, or of voting in any Election of a Member of Parliament for any Shire or Borough, in that Part of Great Britain called Scotland, or of being elected, or voting in the Election of a Magiſtrate or Counſellor for Boroughs, or of a Deacon of Crafts within Burgh, or of a Collector or Clerk of the Land Tax or Supply, who ſhall have at any Time within One Year preceding ſuch Election, been Twice preſent at Divine Service, in any Epiſcopal Meeting or Congregation in Scotland, not held and allowed in purſuance of the ſaid Act made in the Tenth Year of the Reign of Queen ANNE, or which ſhall not, after the ſaid Firſt Day of September, be regiſtered according to the Directions of this Act, or where the Paſtor or Miniſter officiating did not, in expreſs Words, pray for His Majeſty, His Heirs or Succeſſors, by Name, and for all the Royal Family; and it ſhall be competent for any Candidate or Member of the Meeting, aſſembled for any ſuch Election, to make this Objection, and to prove the ſame by a Witneſs or Witneſſes upon Oath, or by referring it to the Oath of the Perſon objected to, which Oath the Preſes or Clerk of ſuch Meeting is hereby impowered to adminiſter; and in caſe the ſame ſhall be proved, or the Perſon ſo objected to ſhall admit the Fact, or refuſe to depoſe concerning it, he ſhall be, and is hereby diſqualified from, and rendered incapable of voting, or being choſen at any Election as aforeſaid; but ſuch Admiſſion, or Confeſſion upon Oath, or otherwiſe ſo made at ſuch Meeting, aſſembled for any ſuch Election, ſhall not be made uſe of, or given in Evidence againſt any ſuch Perſon, upon any Proſecution, for any Penalty inflicted by this, or any former Act of Parliament.

Perſons preſent at unregiſter'd Meet-Houſes, *&c.* diſqualified from voting, or being elected.

10 Ann. c. 7.

— Proof.

— Oath, by whom to be adminiſter'd.

— Admiſſion not to be Evidence upon Proſecution for Penalties.

XIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, at any Time after the ſaid Firſt Day of September, either Peers or Commoners, who have, or ſhall have any Office or Offices, civil or military, in that Part of Great Britain called Scotland, ſhall reſort to, or frequent any Epiſcopal Meeting-houſe or Congregation in Scotland, whereof the Paſtor's or Miniſter's Letters of Orders ſhall not be entered on Record, or regiſtrate as aforeſaid, or whereof a Certificate of the Paſtor or Miniſter's having taken the Oaths, and his Name, or Place of Abode, and alſo the Place where his Meeting is to be held, ſhall not be entered according to the Directions of this Act, and where the Paſtor or Miniſter ſhall not pray in expreſs Words, for His Majeſty, His Heirs or Succeſſors, by Name, and all the Royal Family, in the Manner before directed, every Perſon ſo offending, being thereof lawfully convicted before any Two or more of His Majeſty's Juſtices of the Peace, or before any other Judge competent of the Place, ſhall be diſabled from thenceforth to hold ſuch Office or Offices, and ſhall forfeit the ſame; and ſhall be adjudged incapable to bear any Office, civil or military, in that Part of Great Britain called Scotland, for the Space of One Year from and after the Date of ſuch Conviction.

Civil or military Officers reſorting to unregiſter'd Meet-Houſes, *&c.*

— Penalty.

Judges, &c. not doing their Dnty in the Premiſſes;

— Penalty.

XIV. And be it enacted by the Authority aforeſaid, That in caſe any of the ſaid Judges, or Magiſtrates, ſhall be guilty of any wilful Neglect or Omiſſion of their Duty in the Premiſſes, they ſhall forfeit the Sum of Fifty Pounds Sterling, toties quoties; One Moiety thereof to the Informer, the other to be diſpoſed of for the Uſe of the Poor of the Pariſh where the Offender ſhall be reſident for the time being, to be recovered by ſummary Complaint before the Court of Seſſion, or by Proſecution before the Court of Juſticiary at Edinburgh, or at the Circuit Courts of Juſticiary.

21 Georg. II. Cap. 34.

A.D.1748.

An Act to amend and enforce ſo much of an Act made in the Nineteenth Year of His Majeſty's Reign, as relates to the more effectal diſarming the Highlands in Scotland, *and reſtraining the Uſe of the Highland Dreſs, and to Maſters and Teachers of private Schools and Chaplains; and to explain a Clauſe in another Act made in the ſame Year, relating to Letters of Orders of Epiſcopal Miniſters in* Scotland; *and to oblige Perſons allowed to carry Arms, and the Directors of the Banks there, and certain Perſons belonging to, or practiſing in the Courts of Seſſion and Juſticiary, to take the Oaths; and to repeal ſome Clauſes in an Act made in the Firſt Year of the Reign of His late Majeſty King* George *the Firſt, whereby certain Encouragements are given to Landlords and Tenants in* Scotland, *who ſhould continue in their Duty and Loyalty to His ſaid late Majeſty; and for other Purpoſes therein mentioned.*

19 Geo. II. c. 38.

Letters of Orders not granted by ſome Biſhop of the Church of *England* or *Ireland*, inſufficient to qualify.

XIII. And whereas by a Clauſe in another Act made in the Nineteenth Year of His Majeſty's Reign, intituled, An Act more effectually to prohibit and prevent Paſtors or Miniſters from officiating in Epiſcopal Meeting-houſes in *Scotland,* without duly qualifying themſelves according to Law; and to puniſh Perſons for reſorting to any Meeting-houſes where ſuch unqualified Paſtors or Miniſters ſhall officiate; it is enacted, That from and after the Firſt Day of September, in the Year of our Lord One thouſand ſeven hundred and forty ſix, no Letters of Orders of any Paſtor or Miniſter of any Epiſcopal Meeting or Congregation in Scotland, ſhould be deemed ſufficient, or be admitted to be regiſtered, but ſuch as had been given by ſome Biſhop of the Church of England, or of Ireland; and in caſe any Letters of Orders, other than ſuch as are before deſcribed, ſhould be regiſtered, ſuch Regiſtration ſhould be deemed null and void to all Intents and Purpoſes: And whereas a Doubt has been raiſed upon the ſaid recited Clauſe, whether the ſame doth extend to any Letters of Orders which have been regiſtered before the ſaid Firſt Day of September: Now, for clearing and taking away any ſuch Doubt, it is hereby enacted and declared by the Authority aforeſaid, That no Letters of Orders, not granted by ſome Biſhop of the Church of England, or of Ireland, ſhall, from and after the Twenty ninth Day of September, One thouſand ſeven hundred and forty eight, be ſufficient, or be taken or adjudged to be ſufficient, to qualify any ſuch Paſtor or Miniſter as above-mentioned, whether the ſame were regiſtered before or after the ſaid Firſt Day of September; and that every ſuch Regiſtration, either made before or after the ſaid Firſt Day of September, ſhall, from and after the ſaid Twenty ninth Day of September, be deemed null and void to all Intents and Purpoſes.

The Evidence of the Party reſorting to unlicenſed Epiſcopal Meeting-Houſes, admitted on Trials for the ſaid Offence.

XXI. And whereas by another Clauſe of the ſaid Act of the Nineteenth Year of His preſent Majeſty's Reign, there are Penalties impoſed on Perſons who ſhall reſort to, or frequent any Epiſcopal Meeting-houſe or Congregation in Scotland, not allowed by Law, who ſhall not, within the Space of Five Days, give Information of ſuch illegal Meeting to ſome proper Magiſtrate: And whereas a Doubt has been raiſed, whether Perſons preſent at ſuch illegal Meeting, who did not, within the Space of Five Days, give Information thereof as aforeſaid, could be compelled to appear and give Evidence againſt the Miniſter, or other Perſon offending againſt the ſaid Act; be it therefore enacted and declared by the Authority aforeſaid, That in all Proſecutions for Offences againſt the ſaid Act, it ſhall and may be lawful and competent to produce as Witneſſes, whether againſt the Miniſter or Hearers, other Perſons preſent, who may alſo have been guilty of offending againſt the ſaid Act; but the Evidence given by ſuch Witneſſes ſhall not be made uſe of, or given in Evidence againſt themſelves, upon any Proſecution for any Penalty inflicted by the ſaid Act.

TIT. XXVI.

POPISH PRIESTS and RECUSANTS, Reſtrained by divers PENALTIES and INCAPACITIES.

CAP. I, IV.

JESUITS *and* PRIESTS *of the Church of* Rome. *Abſenting from Church, with Convictions and Forfeitures thereupon.*

Pag. 529, 561, 567, 569, *After* 7 *Georg. Cap.* 29. *inſert this Reference,*

A.D.1747. 20 Georg. II. Cap. 52.

CAP. V.

OATHS *and other* TESTS *for the diſcovering of Papiſts.*

Pag. 575, *After* 7 *Jac. I. Cap.* 2. *inſert,*

A.D.1753. 26 Georg. II. Cap. 26.

An Act to permit Perſons profeſſing the Jewiſh *Religion to be naturalized by Parliament; and for other Purpoſes therein mentioned.*

REP. Whereas by an Act made in the ſeventh Year of the Reign of King JAMES the Firſt, intituled, An Act that all ſuch as are to be naturalized or reſtored in Blood, ſhall firſt receive the Sacrament of the Lord's Supper, and the Oath of Allegiance, and the Oath of Supremacy; every Perſon who ſhall apply to be naturalized by Act of Parliament, being of the Age of eighteen Years or upwards, is required to receive the Sacrament of the Lord's Supper within one Month before the Bill for ſuch Naturalization be exhibited, whereby many Perſons of conſiderable Subſtance profeſſing the Jewiſh Religion are prevented from being naturalized by Bill to be exhibited in Parliament for that Purpoſe: And whereas by an Act made in the Thirteenth Year of his preſent Majeſty's Reign, intituled, An Act for naturalizing ſuch foreign Proteſtants, and others therein mentioned, as are ſettled, or ſhall ſettle, in any of his Majeſty's Colonies in *America*, Perſons profeſſing the Jewiſh Religion who have inhabited and reſided, or ſhall inhabit and reſide for the Space of ſeven Years or more in any of his Majeſty's Colonies in America, and ſhall not have been abſent out of ſome of the ſaid Colonies for a longer Space than two Months at any one Time during the ſaid ſeven Years, are naturalized upon their complying with the Terms therein mentioned, without their receiving the Sacrament of the Lord's Supper; Be it therefore enacted, &c. 7 Jac. 1. c. 2. 13 Geo. 2. c. 7.

Jews, upon Application to Parliament, may be naturalized without taking the Sacrament. Clauſe to be inſerted in every Bill, ſubjecting the Perſon to the Diſabilities expreſſed in 1 *Geo.* 1. *c.* 4. No Perſon to be naturalized who has not reſided in *Great Britain* or *Ireland* for three Years, without being abſent more than three Months at one Time, and who ſhall not bring Proof of his having profeſſed the *Jewiſh* Religion for three Years before. *Jews* diſabled from purchaſing or inheriting any Advowſon or Right of Patronage, *&c.* Repealed 27 *Geo.* 2. *c.* 1.

27 Georg. II. Cap. 1.

A.D.1754.

An Act to repeal an Act of the twenty-ſixth Year of his Majeſty's Reign intituled, An Act to permit Perſons profeſſing the *Jewiſh* Religion to be naturalized by Parliament; and for other Purpoſes therein contained.

26 Geo. 2. c. 26.

The recited Act repealed.

Whereas an Act of Parliament was made and paſſed in the twenty-ſixth Year of his Majeſty's Reign, intituled, An Act to permit Perſons profeſſing the *Jewiſh* Religion to be naturalized by Parliament; and for other Purpoſes therein mentioned: And whereas Occaſion has been taken from the ſaid Act to raiſe Diſcontents, and to diſquiet the Minds of many of his Majeſty's Subjects; Be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the above-mentioned Act, and the ſeveral Matters and Things therein contained, ſhall be, and is, and are hereby repealed and made void to all Intents and Purpoſes whatſoever.

Pag. 580, *after Stat.* 7 *Georg. Cap.* 29. *inſert,*

13 Georg. I. Cap. 29.

A.D.1726.

An Act for allowing further Time to Perſons on board the Fleet, or beyond the Seas in his Majeſty's Service, to qualify themſelves for the legal Enjoyment of Offices and Employments, and for indemnifying ſuch Perſons as have omitted to qualify themſelves within the Time limited for that Purpoſe, and for the better aſcertaining ſuch Time.

I. Whereas divers of his Majeſty's faithful Subjects now are, and may hereafter be, on board the Fleet, and in ſeveral Countries and Places beyond the Seas in the Service of his Majeſty, his Heirs, or Succeſſors, at ſuch Times as it may pleaſe his Majeſty, his Heirs or Succeſſors, out of his or their Royal Grace and Benevolence, to reward the Services of ſuch his Subjects with Offices, Places and Preferments, in Conſequence of which, ſuch Officers or Perſons ſo preferred will, according to the Laws now in being, be obliged to receive the Sacrament, and take and ſubſcribe the Oaths, and make and ſubſcribe the Declaration directed by the Laws now in Force to be received, taken, made and ſubſcribed, within the reſpective Times limited for that Purpoſe; the receiving, taking, making and ſubſcribing whereof, within ſuch Times may, by reaſon of the great Diſtance of ſuch Perſons from the Kingdom of Great Britain, be impracticable: And whereas divers others of his Majeſty's Subjects zealouſly affected to his Perſon and Government, and the Proteſtant Succeſſion in his Royal Houſe, have, through Ignorance of the Law, or unavoidable Accidents, been prevented from receiving the Sacrament, and taking the ſaid Oaths, and making and ſubſcribing the ſaid Declaration within the Times limited for that Purpoſe, and by Means thereof are in Danger of incurring divers Penalties and Diſabilities: Now for the making due Proviſions, that ſuch of his Majeſty's Subjects, as are, or ſhall be on board the Fleet, or beyond the Seas in the Service of his Majeſty, his Heirs or Succeſſors, may not incur the Penalties aforeſaid, by reaſon of their Continuance in ſuch Service, and for quieting the Minds of others his Majeſty's faithful Subjects, and preventing any Inconveniences that might otherwiſe happen by Means of ſuch Omiſſions, Be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That nothing contained in one Act of Parliament, made in the twenty-fifth Year of the Reign of his late Majeſty King CHARLES the Second, intituled, An Act for preventing Dangers which may happen from Popiſh Recuſants, nor in one other Act made in the firſt Year of his preſent Majeſty's Reign, intituled, An Act for the further Security of his Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs *Sophia*, being Proteſtants, and for extinguiſhing the Hopes of the pretended Prince of *Wales*, and his open and ſecret Abettors, ſhall extend or be conſtrued to extend to any Perſon or Perſons, who, upon the ſeventeenth Day of January in the Year of our Lord one thouſand ſeven hundred and twenty-ſix, or at any Time after, was, were, or ſhall be on board the Fleet of his Majeſty, his Heirs or Succeſſors, or in his or their Service beyond the Seas at ſuch Time or Times, as any Office or Offices, Place or Places, Preferment or Preferments, Employment or Employments, Pay, Salary, Fee, or Wages, was, were, or ſhall be granted,

Further Time allowed for perſons on board the Fleet, or beyond Sea.
25 Car. 2. c. 2.

1 Geo. 1. c. 13.

given or conferred to or upon him or them, and who by Virtue of the ſaid Acts, or either of them, ought to receive the Sacrament, or take the ſaid Oaths in the laſt mentioned Act contained, and make and ſubſcribe the Declaration therein mentioned, in reſpect of any ſuch Office, Place, Preferment, Employment, Pay, Salary, Fee or Wages ſo granted, given or conferred, or to be granted, given or conferred as aforeſaid, ſo as ſuch Perſon or Perſons do, within three Calendar Months next after his or their Return into Great Britain, receive the ſaid Sacrament, take and ſubſcribe the ſaid Oaths, and make and ſubſcribe the ſaid Declaration reſpectively, as the caſe ſhall require, in ſuch Manner and Form, and in ſuch Place and Places, as in and by the before mentioned Acts reſpectively is directed and appointed.

So as they qualify themſelves in three Calendar Months after their Return.

By three Months is to be underſtood three Calendar Months.

IV. And it is hereby declared and enacted by the Authority aforeſaid, That the Space of three Months, in and by the ſaid Acts herein before particularly mentioned, or either of them, or any other Act or Acts of Parliament, limited for receiving the ſaid Sacrament, taking and ſubſcribing the ſaid Oaths, or making and ſubſcribing the ſaid Declaration, was meant and intended, and ſhall be conſtrued, deemed and taken to be three Kalendar Months, and that the ſame ought at all Times to have been ſo conſtrued, deemed and taken.

Not to reſtore to an Office actually avoided.

V. Provided always, That this Act, or any Thing herein contained, ſhall not extend or be conſtrued to extend, to reſtore or intitle any Perſon or Perſons to any Office, Imployment, Benefice, Matter or Thing whatſoever, already actually avoided by Judgment of any of his Majeſty's Courts of Record, or already filled up or enjoyed by another Perſon, but that ſuch Office, Imployment, Benefice, Matter or Thing ſo avoided or filled up, or enjoyed as aforeſaid, ſhall be and remain in and unto the Perſon or Perſons who is or are now intitled by Law to the ſame, as if this Act had never been made.

Officers not qualifying themſelves in the time limited, liable to Diſabilities, *&c.*

VI. Provided always, and it is hereby further enacted by the Authority aforeſaid, That in caſe it ſhall happen that any ſuch Officer or Perſon now or hereafter being on board the Fleet, or in the Service of his Majeſty, his Heirs or Succeſſors, beyond the Seas as aforeſaid, or in caſe any of his Majeſty's Subjects, who have omitted to receive the Sacrament, and take and ſubſcribe the Oaths, and make and ſubſcribe the Declaration, as by the ſaid Acts they ought to have done (except all ſuch perſons who at any Time heretofore were on board the Fleet of his Majeſty, or of any of his Predeceſſors, or in his or their Service beyond the Seas, at the Time any Office, Imployment, Pay or Salary was granted to them, and who, within three Kalendar Months after their Return into Great Britain, did receive the ſaid Sacrament, take and ſubſcribe the ſaid Oaths, and make and ſubſcribe the ſaid Declaration reſpectively as aforeſaid) ſhall make Default in ſo doing, within the Times, and according to the Directions in and by this Act limited and appointed, then every ſuch perſon ſo making Default ſhall be liable unto, and incur all ſuch Diſabilities, Incapacities, Forfeitures and Penalties, as in and by the ſaid recited Acts or either of them are reſpectively provided and inflicted for not receiving the Sacrament, or not taking and ſubſcribing the ſaid Oaths, or not making and ſubſcribing the ſaid Declaration.

Executing any Office after Default liable to the Acts 25 Car. 2. c. 2. and 1 Geo. 1. c. 13.

VII. And in caſe of executing any ſuch Office, Place or Imployment after ſuch Default, every ſuch Perſon and Perſons being thereof lawfully convicted in ſuch Manner as by the ſaid Act made in the twenty-fifth Year of the Reign of King CHARLES the Second, or the ſaid Act made in the firſt Year of his Majeſty's Reign is reſpectively directed, ſhall be liable unto, and incur all ſuch Diſabilities, Incapacities, Forfeitures and Penalties, as in and by the ſaid reſpective Acts are in the like Caſe provided and inflicted.

2 Georg. II. Cap. 31.

A.D. 1729.

An Act for indemnifying Perſons who have omitted to qualify themſelves for Offices or Imployments within the Time limited by Law, and for allowing further Time for that Purpoſe; and for repealing ſo much of an Act of Parliament paſſed in the firſt Year of his late Majeſty King George *the Firſt, as requires Perſons to qualify themſelves for Offices or Imployments within three Months, and for limiting other Times for ſuch Qualifications; as alſo for the Repeal of ſo much of an Act paſſed* 30 Car. 2. *as relates to the ſworn Servants of the King or Queen's Majeſty.*

Part of the Act 1 Geo. 1. Stat. 2. c. 13. requiring the Oaths, &c. to be taken in three Months, repealed.

III. And whereas the Obligation to take and ſubſcribe the Oaths appointed to be taken and ſubſcribed by Perſons on Account of their Offices, Places, Imployments, or Profeſſions, or any other Cauſe in and by the ſaid Act made in the firſt Year of the Reign of his late Majeſty King George the Firſt, is found inconvenient, by reaſon the Time for taking and ſubſcribing the ſaid Oaths is limitted to three Months after any Perſon's Admittance to, or Entry upon, any Preferment, Benefice, Office, Place, Imployment or Profeſſion, in the ſaid Act mentioned: Be it therefore enacted by the Authority aforeſaid, That ſo much of the ſaid Act, as requires any Perſon or Perſons to take and ſubſcribe the ſaid Oaths therein mentioned, within three Months after he or they ſhall be admitted into, or enter upon ſuch Preferment, Benefice, Office or Place, or come into ſuch Capacity, or take upon him or them ſuch Practice, Imployment or Buſineſs, as therein is mentioned, ſhall be, and is by this Act abſolutely repealed.

The Time limited for ſuch Qualifications.

IV. And be it further enacted by the Authority aforeſaid, That all and every perſon and perſons that ſhall be admitted, entred, placed, or taken into any Office or Offices, Civil or Military, or ſhall receive any Pay, Salary, Fee or Wages, by Reaſon of any Patent or Grant from his Majeſty, his Heirs or Succeſſors, or ſhall have Command or Place of Truſt, from or under his Majeſty, his Heirs or Succeſſors, or by his Authority, or by Authority derived from him or them, within that Part of Great Britain called England, or in his Majeſty's Navy, or in the ſeveral Iſlands of Jerſey and Guernſey, or that ſhall be admitted into any Service, Office or Imployment, in the Houſhold or Family of his Majeſty, or her Majeſty, or of his Royal Highneſs Frederick Prince of Wales, or any other of his Majeſty's Iſſue, and all Eccleſiaſtical Perſons, Heads or Governors, of what Denomination ſoever, and all other Members of Colleges and Halls within either of the Univerſities of Oxford or Cambridge, that are, or ſhall be of the Foundation, or that do or ſhall enjoy any Exhibition, being of, or as ſoon as they ſhall atttain the Age of eighteen Years, and all Perſons teaching or reading to Pupils, in either of the aforeſaid Univerſities or elſewhere, and all Schoolmaſters and Uſhers, and all Preachers and Teachers of ſeparate Congregations, High or Chief Conſtables, and every Perſon who ſhall act as Serjeant at Law, Counſellor at Law, Barriſter, Advocate, Attorney, Solicitor, Proctor, Clerk or Notary, by practiſing in any manner as ſuch in any Court or Courts whatſoever, within that Part of Great Britain called England, who ſhall at any Time after the twenty-firſt Day of January one thouſand ſeven hundred and twenty-eight be admitted into, or enter upon, any of the above mentioned Preferments, Benefices, Offices or Places, or ſhall come into any ſuch Capacity, or ſhall take upon him or them any ſuch Practice, Imployment or Buſineſs as aforeſaid, ſhall take and ſubſcribe the Oaths appointed by the Statute made in the firſt Year of the Reign of his late Majeſty King George the Firſt, at ſuch Places, and in ſuch Form, as by that ſtatute is directed, in his Majeſty's Court of Chancery, King's Bench, Common Pleas or Exchequer, at any Time before the End of the next Term, after he or they ſhall be admitted into, or enter upon any ſuch Preferment, Benefice, Office or Place, or come into ſuch Capacity, or take upon him or them ſuch Practice, Imployment or Buſineſs as aforeſaid, or ſhall take and ſubſcribe the ſaid Oaths as aforeſaid at any Time before the End of the next Quarter-Seſſions of the County, City or Place where ſuch Perſon ſhall be or reſide, after he or they ſhall be admitted into, or enter upon any ſuch Preferment, Benefice, Office or Place, or come into any ſuch Capacity, or take upon him or them ſuch Practice, Imployment or Buſineſs as aforeſaid.

9 Geo. 2. c. 26.

Perſons beyond the Seas may qualify themſelves within four Months after their Arrival.

V. Provided alſo, That nothing in this Act ſhall extend to any Perſon beyond the Seas, who by Virtue of this Act ought to take and ſubſcribe the ſaid Oaths, ſo as ſuch Perſon do, within four Months after his Return to, and Arrival in, that Part of Great Britain called England, take and ſubſcribe the ſaid Oaths, in

ſuch

Oaths, and other Teſts, for diſcovering of Papiſts.

ſuch Manner and Form, and at ſuch Place and Places as are appointed in and by the ſaid Act, made in the firſt Year of the Reign of his ſaid late Majeſty King George the Firſt, and alſo receive the Sacrament of the Lord's Supper, according to the Uſage of the Church of England, and make and ſubſcribe the ſaid Declaration againſt Tranſubſtantiation, in ſuch Caſes wherein the ſaid Sacrament ought to have been received, and the ſaid Declaration ought to have been made and ſubſcribed.

Perſons, within the Times hereby limited neglecting to qualify themſelves, liable to the Diſabilities in 1 Geo. 1. Stat. 2. c. 13.

VI. Provided always, and it is hereby further enacted by the Authority aforeſaid, That all and every Perſon and Perſons aforeſaid, that ſhall neglect or refuſe to take the ſaid Oaths, or either of them, within the Time, and at the Places aforeſaid, according to the Directions of this Act, ſhall be liable unto, and incur all ſuch Diſabilities, Incapacities, Forfeitures and Penalties, as in and by the ſaid Act of the firſt Year of the Reign of his late Majeſty King George the Firſt are provided and inflicted for not taking and ſubſcribing the ſaid Oaths; and in caſe of executing of any ſuch Office, Place or Imployment, after ſuch Neglect or Refuſal, every ſuch Perſon and Perſons being thereof lawfully convicted in ſuch manner as by the ſaid Act is directed, ſhall be liable unto, and incur all ſuch Diſabilities, Incapacities, Forfeitures and Penalties, as in and by the ſaid Act are, in the like Caſe, provided and inflicted, to be proſecuted, ſued for and recovered, in ſuch Manner as therein is preſcribed.

All the Powers in 1 Geo. 1. to be in Force.

VII. And it is hereby further Enacted by the Authority aforeſaid, That all and every the Powers, Authorities, Conditions, Directions and Proviſions, in and by the ſaid Act of the firſt Year of the Reign of his late Majeſty King George the Firſt enacted or provided, touching or relating to the taking or ſubſcribing of the ſaid Oaths, or the Neglect or Refuſal thereof, or in conſequence of ſuch taking or ſubſcribing the ſaid Oaths, or Neglect or Refuſal thereof, ſhall be adjudged, deemed and taken to be in full Force, as if the ſame were herein particularly inſerted and re-enacted; ſaving as to the Alteration hereby made in reſpect of the Times limited for taking and ſubſcribing the ſaid Oaths; and ſaving alſo as to the Indemnity hereby granted to ſuch, who, on or before the twenty-eighth Day of November next, ſhall take and ſubſcribe the ſaid Oaths; any Thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

Exceptions.

25 Car. 2. c. 2.

30 Car. 2. Stat. 2.

IX. Whereas all Perſons having Command or Place of Truſt from or under his Majeſty, or who are of the Houſhold, or in the Service of his Majeſty, are bound by an Act paſſed in the twenty-fifth Year of the Reign of the late King Charles the Second, intituled, An Act for preventing Dangers which may happen from Popiſh Recuſants, to make and ſubſcribe a Declaration againſt Tranſubſtantiation in the Sacrament of the Lord's Supper; and the ſworn Servants of the King's or Queen's Majeſty are bound, by an Act made in the thirtieth Year of the Reign of the ſaid King Charles the Second, intituled, An Act for the more effectual preſerving the King's Perſon and Government, by diſabling Papiſts from ſitting in either Houſe of Parliament, to repeat and ſubſcribe a like Declaration againſt Tranſubſtantiation, together with ſome Additions, and the Declaration only againſt Tranſubſtantiation being, as to theſe Perſons, ſufficient: Be it further enacted by the Authority aforeſaid, That ſo much of the ſaid laſt mentioned Act as relates to the ſworn Servants of the King's or Queen's Majeſty, ſhall be repealed; and if any ſuch Perſon hath offended contrary to ſuch Part of the ſaid Act intended to be hereby repealed, he ſhall be freed from all Penalties and Incapacities incurred thereby.

So much of the Act 30 Car. 2. Stat. 2. as relates to the King's ſworn ſervants, repealed.

A.D. 1736.

9 Georg. II. Cap. 26.

An Act for indemnifying Perſons who have omitted to qualify themſelves for Offices within the Time limited by Law, and for allowing further Time for that Purpoſe; and for amending ſo much of an Act paſſed in the ſecond Year of the Reign of His preſent Majeſty, as requires Perſons to qualify themſelves for Offices before the End of the next Term or Quarter Seſſions; and alſo for enlarging the Time limited by Law for making and ſubſcribing the Declaration againſt Tranſubſtantiation; and for allowing further Time for Inrollment of Deeds and Wills made by Papiſts, and for Relief of Proteſtant Purchaſers, Deviſees, and Leſſees.

III. And whereas the Time for taking and ſubſcribing the Oaths appointed to be taken and ſubſcribed by Perſons on Account of their Offices, Places, Employments, or Profeſſions, or on any other Cauſe, in and by the ſaid Act made in the Firſt Year of the Reign of His late Majeſty King George the Firſt, is, by an Act made

The indemnifying Act. 2 Geo. II. c. 31.

All Perſons admitted into any Preferments or Places after 1 *Aug.* 1736, to take the Oaths, &c. within Six Months after Admiſſion.

in the Second Year of the Reign of His preſent Majeſty, intituled, An Act for indemnifying Perſons who have omitted to qualify themſelves for Offices and Employments within the time limited by Law, and for allowing further Time for that Purpoſe, and for repealing ſo much of an Act of Parliament paſſed in the firſt Year of His late Majeſty King *George* the Firſt, as requires Perſons to qualify themſelves for Offices or Employments within Three Months, and for limiting other Times for ſuch Qualifications; as alſo for the Repeal of ſo much of an Act paſſed in the thirtieth Year of the Reign of King *Charles* the Second, as relates to the ſworn Servants of the King's or Queen's Majeſty, limited to any Time before the End of the next Term, after he or they ſhall be admitted into, or enter upon any ſuch Preferment, Benefice, Office or Place, or come into any ſuch Capacity, or take upon him or them ſuch Practice, Employment, or Buſineſs, as is therein mentioned, or to any Time before the End of the next Quarter Seſſions of the County, City or Place, where ſuch Perſon ſhall be or reſide, after he or they ſhall be admitted into, or enter upon any ſuch Preferment, Benefice, Office or Place, or come into any ſuch Capacity, or take upon him or them ſuch Practice, Employment or Buſineſs as is therein mentioned: And whereas by the ſaid Act made in the Twenty fifth Year of the Reign of King Charles the Second, the reſpective Perſons therein mentioned are required to make and ſubſcribe the Declaration againſt Tranſubſtantiation in the next Term, or at the Quarter Seſſions for that County or Place where he or they ſhall reſide, next after his or their Admittance or Admittances into the reſpective Offices or Employments therein mentioned, which Times ſo limited in the ſaid ſeveral Acts are found to be too ſhort and inconvenient: Now for Remedy thereof, and for amending the ſaid Acts, by enlarging the ſaid Times, be it enacted by the Authority aforeſaid, That all and every Perſon and Perſons that ſhall be admitted, entred, placed or taken into any Office or Offices, Civil or Military, or ſhall receive any Pay, Salary, Fee or Wages, by reaſon of any Patent or Grant from His Majeſty, His Heirs or Succeſſors, or by His Authority, or by Authority derived from him or them, within that Part of Great Britain called England, or in His Majeſty's Navy, or in the ſeveral Iſlands of Jerſey and Guernſey, or that ſhall be admitted into any Service, Office or Employment, in the Houſe-hold or Family of His Majeſty, or Her Majeſty, or of His Royal Highneſs Frederick Prince of Wales, or of any of His Majeſty's Iſſue, and all Eccleſiaſtical Perſons, Heads or Governors, of what Denomination ſoever, and all other Members of Colleges and Halls within either of the Univerſities of Oxford or Cambridge, that are or ſhall be of the Foundation, or that do or ſhall enjoy any Exhibition, being of, or as ſoon as they ſhall attain the Age of Eighteen Years, and all Perſons teaching or reading to Pupils in either of the aforeſaid Univerſities, or elſewhere, and Schoolmaſters and Uſhers, and all Preachers and Teachers of ſeparate Congregations, High and Chief Conſtables, and every Perſon who ſhall act as Serjeant at Law, Counſellor at Law, Barriſter, Advocate, Attorney, Sollicitor, Proctor, Clerk, or Notary, by practiſing in any Manner as ſuch in any Court or Courts whatſoever, within that Part of Great Britain called England, who ſhall at any Time after the Firſt Day of Auguſt, in the Year of our Lord One thouſand ſeven hundred and thirty ſix, be admitted into, or enter upon, any of the forementioned Preferments, Benefices, Offices or Places, or ſhall come into any ſuch Capacity, or ſhall take upon him or them any ſuch Practice, Employment or Buſineſs as aforeſaid, ſhall take and ſubſcribe the Oaths appointed by the Statute made in the Firſt Year of the Reign of His late Majeſty King George the Firſt, in ſuch Form, as by that Statute is directed, in His Majeſty's Court of Chancery, King's Bench, Common Pleas, or Exchequer, or at the General, or Quarter Seſſions of the County, City or Place where ſuch Perſon ſhall be or reſide, at any Time within ſix Calendar Months after he or they ſhall be admitted into, or enter upon any ſuch Preferment, Benefice, Office or Place, or come into ſuch Capacity, or take upon him or them ſuch Practice, Employment or Buſineſs, as aforeſaid; and all and every Perſon or Perſons, who, by the ſaid Act made in the Twenty fifth Year of the Reign of King Charles the Second, are required to make and ſubſcribe the Declaration againſt Tranſubſtantiation, ſhall make and ſubſcribe the ſaid Declaration at the ſame Places, and at the ſame Times, as are by this Act limited for taking and ſubſcribing the Oaths aforeſaid.

Perſons beyond the Seas allowed to take the ſaid Oaths, &c. 6 Months after their Return.

IV. Provided always, That nothing in this Act ſhall extend to any Perſon beyond the Seas, who by virtue of this Act ought to take and ſubſcribe the ſaid Oaths, or by virtue of the ſaid Act made in the Twenty fifth Year of King Charles the Second ought to make and ſubſcribe the ſaid Declaration, ſo as ſuch Perſon do, within Six Calendar Months after his Return to, or Arrival in that Part of Great Britain called England, take and ſubſcribe the ſaid Oaths, in ſuch Manner and Form, and at ſuch Place and Places, as are appointed in and by the ſaid Act made in the Firſt Year of the Reign of His late Majeſty King George the Firſt, and alſo receive the Sacrament of the Lord's Supper according to the Uſage of the Church

Church of England, and make and ſubſcribe the ſaid Declaration againſt Tranſubſtantiation, in ſuch Caſes wherein the ſaid Sacrament ought to have been received, and the ſaid Declaration ought to have been made and ſubſcribed.

Perſons neglecting to take the Oaths, &c. in the Time herein limited, to incur the Penalties inflicted by the ſaid Acts.

V. Provided always, and it is hereby further enacted by the Authority aforeſaid, That all and every Perſon and Perſons aforeſaid that ſhall neglect or refuſe to take the ſaid Oaths, or who ſhall neglect or refuſe to make and ſubſcribe the ſaid Declaration in Caſes where the ſame ought to be made and ſubſcribed, within the Time and at the Places aforeſaid, according to the Directions of this Act, ſhall be liable unto, and incur all ſuch Diſabilities, Incapacities, Forfeitures and Penalties, as in and by the ſaid Act of the Firſt Year of the Reign of his late Majeſty King George the Firſt are provided and inflicted for not taking and ſubſcribing the ſaid Oaths, or are provided and inflicted by the ſaid Act made in the Twenty fifth Year of the Reign of King Charles the Second for not making and ſubſcribing the ſaid Declaration; and in caſe of executing any ſuch Office, Place or Employment, after ſuch Neglect or Refuſal as aforeſaid, every ſuch Perſon and Perſons, being thereof lawfully convicted, in ſuch Manner as by the ſaid ſeveral Acts is directed, ſhall be liable unto and incur all ſuch Diſabilities, Incapacities, Forfeitures and Penalties, as in and by the ſaid Acts are provided, to be proſecuted, ſued for and recovered, in ſuch Manner as therein is preſcribed.

All the Powers in the recited Acts to continue in full Force,

—except only as to the Alteration made by this Act with regard to Time.

VI. And it is hereby further enacted by the authority aforeſaid, That all and every the Powers, Authorities, Conditions, Directions, and Proviſions in and by the ſaid Acts of the Firſt Year of the Reign of His late Majeſty King George the Firſt, and of the Twenty fifth Year of the Reign of King Charles the Second, enacted or provided touching or relating to the taking and ſubſcribing of the ſaid Oaths, and the making and ſubſcribing the ſaid Declaration, or the Neglect or Refuſal thereof, ſhall be adjudged, deemed and taken to be in full Force, as if the ſame were herein particularly inſerted and re-enacted, except only as to the Alteration by this Act made in reſpect of the Times limited for taking and ſubſcribing the ſaid Oaths, and making and ſubſcribing the ſaid Declaration, and alſo as to the Indemnity hereby granted to ſuch, who, on or before the Firſt Day of Auguſt, One thouſand ſeven hundred and thirty ſix, ſhall take and ſubſcribe the ſaid Oaths, and make and ſubſcribe the ſaid Declaration, and receive the Sacrament of the Lord's Supper according to the Uſage of the Church of England, where the ſame are reſpectively required by Law; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

CAP. VI.

Civil DISABILITIES, *and* BURDENS, *by Reaſon of Recuſancy.*

Pag. 586, *after Stat.* 7 *Georg. Cap.* 29. *inſert,*

A.D. 1738.

11 Georg. II. Cap. 17.

An Act for ſecuring the Eſtates of Papiſts conforming to the Proteſtant Religion, againſt the Diſabilities created by ſeveral Acts of Parliament relating to Papiſts; and for rendring more effectual the ſeveral Acts of Parliament made for veſting in the two Univerſities in that Part of Great Britain *called* England *the Preſentations of Benefices belonging to Papiſts.*

WHereas Perſons profeſſing or educated in the popiſh Religion, are, by divers Acts of Parliament, ſubjected to ſeveral Diſabilities and Incapacites, which may affect Perſons conforming from the popiſh to the proteſtant Religion: And whereas many Perſons have already conformed to the proteſtant Religion, and are willing to ſubmit to His Majeſty's Government in as full and ample Manner as any other of his Majeſty's Subjects, and others are likely ſo to do; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Perſon or Perſons being

Civil Diſabilities, and Burdens, by Reaſon of Recuſancy.

Owners of any Eſtate, being Papiſts, on conforming, *&c.* and all Proteſtants, claiming under them, to poſſeſs ſuch Eſtate, freed of the Diſabilities incurred by ſuch Owners, *&c.* unleſs the perſons intitled to take Advantage of ſuch Diſability ſhall recover by Judgment in ſome Action to be commenced within 6 Calendar Months before ſuch conforming.

being reputed Owner or Owners, or in Poſſeſſion or Receipt of the Rents and Profits of any Manors, Meſſuages, Lands, Tenements, or Hereditaments, or of any Intereſt therein, who having been, or reputed to be a Papiſt or Papiſts, or educated in the popiſh Religion, hath, or have conformed to, or hereafter ſhall conform to and profeſs, the proteſtant Religion, and hath or have taken, or ſhall take the Oaths of Allegiance, Supremacy, and Abjuration, and alſo ſubſcribed, or ſhall ſubſcribe, the Declarations ſet down and expreſſed in an Act of Parliament made in the Thirtieth Year of the Reign of the late King Charles the Second, intituled, An Act for the more effectual preſerving the King's Perſon and Government, by diſabling Papiſts from ſitting in either Houſe of Parliament, to be by him, her, or them repeated and ſubſcribed in the Courts of Chancery or King's Bench, or Quarter Seſſions of the County where ſuch Perſon or Perſons ſhall reſide (all which ſhall be recorded in One of his Majeſty's Courts of Record at Weſtminſter, or ſuch Quarter Seſſions as aforeſaid) and all and every Perſon and Perſons being Proteſtants, claiming under ſuch perſon or perſons conforming and performing the Requiſities as aforeſaid, for their own Benefit, or for the Benefit of any other Proteſtant or Proteſtants, and not for the Benefit of any Papiſt or Papiſts, ſhall hold, poſſeſs, and enjoy all ſuch Manors, Meſſuages, Lands, Tenements, and Hereditaments, freed and diſcharged of and from the Diſabilities and Incapacities in the ſaid Acts, or any of them, contained, incurred, or ſuppoſed to be incurred by ſuch perſon or perſons ſo reputed Owner or Owners, or in poſſeſſion or Receipt of the Rents and profits as aforeſaid, or by any other perſon or perſons, by, from, or through whom the Title to ſuch Manors, Meſſuages, Lands, Tenements, or Hereditaments, or any Intereſt therein, was, or ſhall be derived, or ſuppoſed to be derived, for ſuch Eſtate, Right, Title, or Intereſt, as he, ſhe, or they had, or would have had, if no ſuch Diſability or Incapacity had been incurred; unleſs the perſon or perſons intitled to take Advantage of ſuch Diſability, Incapacity, or Defect of Title, hath or have actually and bonâ fide recovered, or ſhall hereafter recover, ſuch Manors, Meſſuages, Lands, Tenements, or Hereditaments, by Judgment or Decree, in ſome Action or Suit already commenced, or hereafter to be commenced, Six Calendar Months at leaſt before the making of ſuch Record, and to be proſecuted with due Diligence.

Not to prejudice the Right of any perſon, who ſhall have been in poſſeſſion 2 Calendar Months.

II. Provided nevertheleſs, that this Act, or any thing herein contained, ſhall not take away or prejudice the Right of any perſon or perſons intitled to take Advantage of ſuch Diſability or Incapacity, who now is, or are, in the actual Poſſeſſion of, or ſhall have, precedent to the making of ſuch Record, been in quiet Poſſeſſion of any ſuch Manors, Meſſuages, Lands, Tenements, or Hereditaments, by the Space of Two Calendar Months.

Perſons returning to the popiſh Religion, not to have any Benefit by this Act.

III. Provided always, and be it further enacted by the Authority aforeſaid, That if any ſuch perſon or perſons ſo conforming as aforeſaid, ſhall, after ſuch Conformity, return to, or again profeſs, the popiſh Religion, every ſuch perſon and perſons ſhall, for ever afterwards be diſabled from, and be incapable of, having or enjoying any Benefit, Privilege, or Advantage of this Act, and ſhall from thenceforth be liable to the ſame Diſabilities, Incapacities, and Forfeitures, as if he, ſhe, or they had not taken the ſaid Oaths, and ſubſcribed the Declaration as aforeſaid; any thing herein contained to the contrary notwithſtanding.

This Act not to prejudice the Right of any perſon intitled to any Reverſion, if purſued within 12 Calendar Months, *&c.*

IV. Provided always, That nothing in this Act contained ſhall extend to take away or prejudice the Right of any Perſon intitled to any Remainder or Reverſion in any ſuch Manors, Meſſuages, Lands, Tenements, or Hereditaments, in caſe ſuch Perſon ſhall purſue his or her ſaid Right by ſome Action or Suit to be commenced within the Space of Twelve Calender Months next after the precedent Eſtate or Eſtates, on which ſuch Remainder or Reverſion depends and is expectant, ſhall be determined; or within Twelve Calendar Months, from and after the Twenty ninth Day of September, One thouſand ſeven hundred and thirty eight, if ſuch precedent Eſtate or Eſtates be already determined by the Death or Deaths of any perſon or perſons, whoſe Deaths have been concealed from, or not known to, the Perſon intitled to ſuch Remainder or Reverſion, by reaſon of their having been buried beyond the Seas, or in a private and clandeſtine Manner at Home, and ſhall proſecute ſuch Action or Suit with due Diligence.

TIT. XXVII.

Pepetual Security to the CHURCH of *ENGLAND*, againſt PAPISTS and POPERY.

CAP. IV.

Additional CONFIRMATIONS *of the Succeſſion in the* HOUSE *of* HANOVER.

Pag. 635. *After* 7 *Georg. Cap.* 29. *Inſert this Reference,*

See 13 Georg. I. Cap. 29. 2 Georg. II. Cap. 31. 9 Georg. II. Cap. 26.

In Supplement TIT. XXVI. Cap. V.

CAP. V.

Regard of the Church of England *to* FOREIGN PROTESTANTS.

Pag. 640. *after* 12 *Annæ, Cap.* 7. *inſert,*

A.D. 1740.

13 Georg. II. Cap. 7.

An Act for naturalizing ſuch Foreign Proteſtants, and others therein mentioned, as are ſettled, or ſhall ſettle, in any of His Majeſty's Colonies in America.

Preamble.

Whereas the Increaſe of People is a Means of advancing the Wealth and Strength of any Nation or Country: And whereas many Foreigners and Strangers from the Lenity of our Government, the Purity of our Religion, the Benefit of our Laws, the Advantages of our Trade, and the Security of our Property, might be induced to come and ſettle in ſome of His Majeſty's Colonies in America, if they were made Partakers of the Advantages and Privileges which the natural born Subjects of this Realm do enjoy: be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lord's Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of June, in the Year of our Lord One thouſand ſeven hundred and forty, all Perſons born out of the Ligeance of His Majeſty, His Heirs or Succeſſors, who have inhabited and reſided, or ſhall inhabit or reſide, for the Space of Seven Years or more, in any of His Majeſty's Colonies in America, and ſhall not have been abſent out of ſome of the ſaid Colonies for a longer Space than Two Months at any One Time during the ſaid Seven Years, and ſhall take and ſubſcribe the Oaths, and make, repeat, and ſubſcribe the Declaration appointed by an Act made in the Firſt Year of the Reign of his late Majeſty King George the Firſt, intituled, An Act for the futher Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs *Sophia*, being Proteſtants; and for extinguiſhing the Hopes of the pretended Prince of *Wales*, his open and ſecret Abettors; or, being of the People called Quakers, ſhall make and ſubſcribe the Declaration of Fidelity, and take and affirm the Effect of the Abjuration Oath, appointed and preſcribed by an Act made in the Eighth Year of the Reign of His ſaid late Majeſty, intituled, An Act for granting the People called *Quakers*, ſuch Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under; and alſo make and ſubſcribe the Profeſſion of his Chriſtian Belief, appointed and preſcribed by an Act made in the Firſt Year of the Reign of their late Majeſties

Foreigners living 7 years in any of our Colonies, to be deemed Natives, on taking the Oaths, *&c.*

Quakers to ſubſcribe the Declaration of Fidelity, *&c.*

King William and Queen Mary, intituled, An Act for exempting their Majeſties Proteſtant Subjects from the Penalties of certain Laws; before the Chief Judge, or other Judge of the Colony wherein ſuch Perſons reſpectively have ſo inhabited and reſided, or ſhall ſo inhabit and reſide, ſhall be deemed, adjudged, and taken to be, His Majeſty's natural born Subjects of this Kingdom, to all Intents, Conſtructions, and Purpoſes, as if they, and every of them, had been, or were born within this Kingdom; which ſaid Oath or Affirmation and Subſcription of the ſaid Declarations reſpectively, the Chief Judge or other Judge of every of the ſaid reſpective Colonies is hereby enabled and impowered to adminiſter and take; and the taking and ſubſcribing of every ſuch Oaths and Affirmation, and the making, repeating, and ſubſcribing of every ſuch Declaration, ſhall be before ſuch Chief Judge or other Judge, in open Court, between the Hours of Nine and Twelve in the Forenoon; and ſhall be entered in the ſame Court, and alſo in the Secretary's Office of the Colony wherein ſuch Perſon ſhall ſo inhabit and reſide: And every Chief Judge or other Judges of every reſpective Colony, before whom ſuch Oaths or Affirmation ſhall be taken, and every ſuch Declaration ſhall be made, repeated, and ſubſcribed as aforeſaid, is hereby required to make a due and proper Entry thereof in a Book to be kept for that Purpoſe in the ſaid Court; for the doing whereof Two Shillings and no more ſhall be paid at each reſpective Place, under the Penalty and Forfeiture of Ten Pounds of lawful Money of Great Britain for every Neglect or Omiſſion: And in like manner every Secretary of the Colony wherein any Perſon ſhall ſo take the ſaid Oaths or Affirmation, and make, repeat, and ſubſcribe the ſaid Declarations reſpectively, as aforeſaid, is hereby required to make a due and proper Entry thereof in a Book to be kept for that Purpoſe in his Office, upon Notification thereof to him by the Chief Judge or other Judge of the ſame Colony, under the like Penalty and Forfeiture for every ſuch Neglect or Omiſſion.

—Entries to be made in Books to be kept for publick Inſpection.

—2 *s.* to be paid, and no more, for each Entry, on 10 *l.* Penalty.

—The ſame Penalty on Secretary's neglecting to regiſter.

II. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon, of what Quality, Condition, or Place ſoever, other than, and except ſuch of the People called Quakers as ſhall qualify themſelves and be naturalized by the Ways and Means herein before-mentioned, or ſuch who profeſs the Jewiſh Religion, ſhall be naturalized by virtue of this Act, unleſs ſuch Perſon ſhall have received the Sacrament of the Lord's Supper in ſome Proteſtant and Reformed Congregation within this Kingdom of Great Britain, or within ſome of the ſaid Colonies in America, within Three Months next before his taking and ſubſcribing the ſaid Oaths, and making, repeating, and ſubſcribing the ſaid Declaration; and ſhall, at the Time of his taking and ſubſcribing the ſaid Oaths, and making, repeating, and ſubſcribing the ſaid Declaration, produce a Certificate ſigned by the Perſon adminiſtring the ſaid Sacrament, and atteſted by Two credible Witneſſes, whereof an Entry ſhall be made in the Secretary's Office of the Colony, wherein ſuch Perſon ſhall ſo inhabit and reſide, as alſo in the Court where the ſaid Oaths ſhall be ſo taken as aforeſaid, without any Fee or Reward.

Each qualified Perſon, to receive the Sacrament except *Quakers* and *Jews*.
20 Geo. II. c. 44.

III. And whereas the following Words are contained in the latter Part of the Oath of Abjuration, Videlicet, (upon the true Faith of a Chriſtian) And whereas the People profeſſing the Jewiſh Religion may thereby be prevented from receiving the Benefit of this Act: be it further enacted by the Authority aforeſaid, That whenever any Perſon profeſſing the Jewiſh Religion ſhall preſent himſelf to take the ſaid Oath or Abjuration in purſuance of this Act, the ſaid Words (upon the true Faith of a Chriſtian) ſhall be omitted out of the ſaid Oath in adminiſtring the ſame to ſuch Perſon, and the taking and ſubſcribing the ſaid Oath by ſuch Perſon profeſſing the Jewiſh Religion, without the Words aforeſaid, and the other Oaths appointed by the ſaid Act in like Manner as Jews were permitted to take the Oath of Abjuration, by an Act made in the Tenth Year of the Reign of His late Majeſty King George the Firſt, intituled, An Act for explaining and amending an Act of the laſt Seſſion of Parliament, intituled, *An Act to oblige all Perſons, being Papiſts, in that Part of* Great Britain *called* Scotland, *and all Perſons in* Great Britain, *refuſing or neglecting to take the Oaths appointed for the Security of his Majeſty's Perſon and Government, by ſeveral Acts herein mentioned, to regiſter their Names and real Eſtates*; and for enlarging the Time for taking the ſaid Oaths, and making ſuch Regiſters, and for allowing further Time for the Inrolment of Deeds or Wills made by Papiſts, which have been omitted to be inrolled purſuant to an Act of the Third Year of His Majeſty's Reign; and alſo for giving Relief to Proteſtant Leſſees, ſhall be deemed a ſufficient taking of the ſaid Oaths, in order to intitle ſuch Perſon to the Benefit of being naturalized by virtue of this Act.

Jews taking the Oaths, may omit ſome Chriſtian Expreſſions.

IV. And be it further enacted by the Authority aforeſaid, That a Teſtimonial or Certificate under the Seal of any of the ſaid Colonies, of any Perſons having reſided and inhabited for the Space of Seven Years or more, as aforeſaid, within the ſaid Colonies or ſome of them, to be ſpecified in ſuch Certificate, together with the particular Time of Reſidence in each of ſuch reſpective Colonies (whereof the Colony, under the Seal of which ſuch Certificate ſhall be given, to be One) and of his having

Certificates given by the Colony, of Reſidence, taking the Oaths, *&c.* to be allowed proper evidence in all the Courts of *Great Britain* and *Ireland*.

having taken and ſubſcribed the ſaid Oaths, and of his having made, repeated, and ſubſcribed the ſaid Declaration, and, in caſe of a Quaker, of his having made and ſubſcribed the Declaration of Fidelity, and of his having taken and affirmed the Effect of the Abjuration Oath as aforeſaid, and, in the Caſe of a Perſon profeſſing the Jewiſh Religion, of his having taken the Oath of Abjuration as aforeſaid, within the ſame Colony, under the Seal whereof ſuch Certificate ſhall be given as aforeſaid, ſhall be deemed and taken to be a ſufficient Teſtimony and Proof thereof, and of his being a natural born Subject of Great Britain, to all Intents and Purpoſes whatſoever, and as ſuch ſhall be allowed, in every Court within the Kingdoms of Great Britain and Ireland, and alſo in the ſaid Colonies in America.

Secretary of the Colony to ſend over to the Commiſſioners of Trade Liſts yearly, to be regiſtred in *England*;

V. And be it further enacted by the Authority aforeſaid, That every Secretary of the ſaid reſpective Colonies for the time being, ſhall, and is hereby directed and required at the End of every Year, to be computed from the ſaid Firſt Day of June, in the Year of our Lord One thouſand ſeven hundred and forty, to tranſmit and ſend over to the Office of the Commiſſioners for Trade and Plantations kept in the City of London or Weſtminſter, a true and perfect Liſt of the Names of all and every Perſon and Perſons who have in that Year intitled themſelves to the Benefit of this Act, under the Penalty and Forfeiture of Fifty Pounds of lawful Money of Great Britain for every Neglect or Omiſſion: All which ſaid Liſts ſo tranſmitted and ſent over, ſhall from Year to Year be duly and regularly entered by the ſaid Commiſſioners, in a Book or Books to be had and kept for that Purpoſe in the ſaid Office, for publick View and Inſpection as Occaſion ſhall require.

—on Penalty of 50*l*.

Proviſo.

Extended to the Unitas Fratrum *by* 20 Geo. 2. c. 44.

VI. Provided always, and it is hereby further enacted, That no Perſon who ſhall become a natural born Subject of this Kingdom by virtue of this Act, ſhall be of the Privy Council, or a Member of either Houſe of Parliament, or capable of taking, having, or enjoying any Office or Place of Truſt within the Kingdoms of Great Britain or Ireland, either Civil or Military, or of having, accepting, or taking any Grant from the Crown to himſelf, or to any other in Truſt for him, of any Lands, Tenements or Hereditaments within the Kingdoms of Great Britain or Ireland; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

A.D.1747. 20 Georg. II. Cap. 44.

An Act to extend the Proviſions of an Act made in the Thirteenth Year of His preſent Majeſty's Reign, intituled, An Act for naturalizing ſuch Foreign Proteſtants, and others therein mentioned, as are ſettled, or ſhall ſettle in any of His Majeſty's Colonies in *America*, *to other Foreign Proteſtants who conſcientiouſly ſcruple the taking of an Oath.*

13 Geo. 2. c. 7.

Whereas by an Act made in the Thirteenth Year of His preſent Majeſty's Reign, intituled, An Act for naturalizing ſuch Foreign Proteſtants, and others therein mentioned, as are ſettled, or ſhall ſettle in any of His Majeſty's Colonies in *America*; it was enacted, That from and after the Firſt Day of June, in the Year of our Lord One thouſand ſeven hundred and forty, all Perſons born out of the Ligeance of His Majeſty, His Heirs or Succeſſors, who had inhabited and reſided, or ſhould inhabit and reſide for the Space of Seven Years, or more, in any of His Majeſty's Colonies in America, and ſhould not have been abſent out of ſome of the ſaid Colonies for a longer Space than Two Months, at any one Time during the ſaid Seven Years, and ſhould take and ſubſcribe the Oaths, and make, repeat, and ſubſcribe the Declaration appointed by an Act made in the Firſt Year of the Reign of His late Majeſty King George the Firſt, intituled, An Act for the further Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs *Sophia*, being Proteſtants; and for extinguiſhing the Hopes of the pretended Prince of *Wales*, his open and ſecret Abettors; or being of the People called Quakers, ſhould make and ſubſcribe the Declaration of Fidelity, and take and affirm the Effect of the Abjuration Oath, appointed and preſcribed by an Act made in the Eighth Year of the Reign of His ſaid late Majeſty, intituled, An Act for granting the People called *Quakers*, ſuch Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under; and alſo make and ſubſcribe the Profeſſion of his Chriſtian Belief, appointed and preſcribed by an Act made in the Firſt Year of the Reign of Their late Majeſties King William and Queen Mary, intituled, An Act for Exempting their Majeſties Proteſtant Subjects from the Penalties of certain Laws, before the Chief Judge, or other Judge of the Colony wherein ſuch Perſons reſpectively had ſo inhabited and reſided, or ſhould ſo inhabit and reſide, ſhould be deemed, adjudged, and taken to be His Majeſty's natural-born Subjects of this Kingdom, to all Intents,

1 Geo. 1. c. 13.

8 Geo. 1. c. 6.

1 W. & M. ſt. 1. c. 18.

Regard of the Church of England to Foreign Proteſtants.

Foreign Proteſtants Reſidents in *America* 7 Years who ſcruple an Oath, upon making and ſubſcribing the Affirmation of Fidelity and Declaration,

Conſtructions, and Purpoſes, as if they, and every one of them, had been or were born within this Kingdom: And whereas many of the People of the Congregation called the Moravian Brethren, and other Foreign Proteſtants, not Quakers, who conſcientiouſly ſcruple the taking of an Oath, are ſettled in His Majeſty's Colonies in America, and demean themſelves there as a ſober, quiet, and induſtrious People, and many others of the like Perſuaſion are deſirous to tranſport themſelves thither; and if the Benefit of the ſaid Act, made in the Thirteenth Year of His preſent Majeſty's Reign, were extended to them, they who are now there would thereby be encouraged to continue their Reſidence in his Majeſty's Colonies, and others would reſort thither in greater Numbers, whereby the ſaid Colonies would be improved, their Strength increaſed, and their Trade extended; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fifth Day of December, One thouſand ſeven hundred and forty ſeven, all Foreign Proteſtants, who conſcientiouſly ſcruple the taking of an Oath, and who are born out of the Ligeance of His Majeſty, His Heirs or Succeſſors, who have inhabited and reſided or ſhall inhabit and reſide, for the Space of Seven Years or more, in any of His Majeſty's Colonies in America, and ſhall not have been abſent out of ſome of the ſaid Colonies for a longer Space than Two Months at any One Time during the ſaid Seven Years, and ſhall make and ſubſcribe the Declaration of Fidelity, and take and affirm the Effect of the Abjuration Oath, appointed and preſcribed by the ſaid recited Act, made in the Eighth Year of the Reign of His late Majeſty King George the Firſt, and alſo make and ſubſcribe the Profeſſion of his Chriſtian Belief, appointed and preſcribed by the ſaid recited Act, made in the Firſt Year of the Reign of their late Majeſties King William and Queen Mary, before the Chief Judge or other Judge of the Colony wherein ſuch Perſons reſpectively have ſo inhabited and reſided, or ſhall ſo inhabit and reſide, ſhall be deemed, adjudged, and taken to be His Majeſty's natural-born Subjects of this Kingdom, to all Intents, Conſtructions, and Purpoſes, as if they and every of them, had been or were born within this Kingdom; which ſaid Affirmation and Subſcription of the ſaid Declaration, the ſaid Chief or other Judge of every of the ſaid reſpective Colonies, is hereby enabled and impowered to adminiſter and take; and the taking of every ſuch Affirmation, and the making and ſubſcribing of every ſuch Declaration, ſhall be in ſuch Manner and Place, and at ſuch Times and Hours, and ſuch Entries made thereof, and for the ſame Fees, and under the ſame Penalties, as in the ſaid recited Act of the Thirteenth Year of His Majeſty's Reign are mentioned; and Liſts of the Perſons who ſhall take the Benefit of this Act, ſhall be tranſmitted to the Commiſſioners of Trade and Plantations, in like Manner, and under the ſame Penalties, as Liſts of the Perſons taking the Benefit of the ſaid Act are thereby directed to be tranſmitted.

— to be deemed natural-born Subjects.

— Liſts of Perſons taking the Benefit to be tranſmitted to the Commiſſioners of Trade.

Perſons to qualify themſelves by taking the Sacrament.

II. Provided always, and be it enacted by the Authority aforeſaid, That no Perſon ſhall be Naturalized by virtue of this Act, unleſs ſuch Perſon ſhall have received the Sacrament of the Lord's Supper, in ſome Proteſtant or Reformed Congregation, within ſome of the ſaid Colonies in America, within Three Months next before his taking ſuch Affirmation, and making and ſubſcribing ſuch Declaration, and ſhall at the Time of his taking ſuch Affirmation, and making and ſubſcribing ſuch Declaration, produce a Certificate, ſigned by the Perſon adminiſtering the ſaid Sacrament, and atteſted by Two credible Witneſſes, whereof an Entry ſhall be made in the Secretary's Office of the Colony wherein ſuch Perſon ſhall ſo inhabit and reſide, as alſo in the Court where the ſaid Affirmation ſhall be ſo taken as aforeſaid, without any Fee or Reward.

— Certificates and Entry thereof to be made.

Proviſions of Act 13 Geo. 2. with regard to Certificates, &c. extended to ſuch Foreign Proteſtants.

III. And be it further enacted by the Authority aforeſaid, That the Proviſions contained in the ſaid Act, made in the Thirteenth Year of His preſent Majeſty's Reign, with Regard to Certificates of Reſidence, and of having made and ſubſcribed the ſaid Declaration, and taken the ſaid Affirmation, and as to ſuch Certificates being made Evidence in the Courts of Great Britain and Ireland, and alſo in the ſaid Colonies, and all other the Benefits of the ſaid Act, ſhall extend to Foreign Proteſtants, who conſcientiouſly ſcruple the taking of an Oath, and who ſhall be qualified as aforeſaid.

Privileges of natural-born Subjects, &c.

IV. Provided always, That the ſaid Foreign Proteſtants ſhall enjoy the Privileges of natural-born Subjects, and all the Benefits of this Act, and the ſaid Act of the Thirteenth Year of His Majeſty's Reign.

Reſtrictions.

V. Provided always, and be it hereby further enacted, That no Perſon who ſhall become a natural-born Subject of this Kingdom, by virtue of this Act, ſhall be of the Privy Council, or a Member of either Houſe of Parliament, or capable of taking, having, or enjoying any Office or Place of Truſt within the Kingdoms of Great Britain or Ireland, either Civil or Military, or of having, accepting, or taking any

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any Grant from the Crown to himſelf, or to any other in Truſt for him, of any Lands, Tenements, or Hereditaments, within the Kingdoms of Great Britain or Ireland, any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.

Perſons excluded from this, or 13 Geo. 2.

4 Geo. 2. c. 21.

VI. Provided alſo, and it is hereby further enacted by the Authority aforeſaid, That nothing in this Act, or in the ſaid recited Act of the Thirteenth Year of His Majeſty's Reign contained, ſhall extend, or be conſtrued to extend to Naturalize any Perſon or Perſons whatſoever, who, by virtue of any Act made in the Fourth Year of His Majeſty's Reign (intituled, An Act to explain a Clauſe in an Act made in the Seventh Year of the Reign of Her late Majeſty Queen *Anne*, for Naturalizing Foreign Proteſtants, which relates to the Children of natural-born Subjects of the Crown of *England*, or of *Great Britain*) are declared and enacted not to be intitled to the Benefit of the ſaid Act of the Seventh Year of Her ſaid late Majeſty's Reign, but that all ſuch Perſons ſhall be, and remain in the ſame State, Plight, and Condition, to all Intents, Conſtructions, and Purpoſes whatſoever, as they would have been in, if the ſaid recited Act of the Thirteenth Year of His Majeſty's Reign, or this Act, had never been made; any thing in this Act, or in the ſaid recited Act of the Thirteenth Year of His Majeſty's Reign contained to the contrary in any wiſe notwithſtanding.

TIT. XXVIII.

Lands given in MORTMAIN for the ENDOWMENT of Churches.

CAP. I.

RESTRAINTS *upon Purchaſes and Gifts in* MORTMAIN.

Pag. 646, *After* 22 *Hen. VIII. Cap.* 15. *inſert,*

A.D. 1736.

9 Georg. II. Cap. 36.

An Act to reſtrain the Diſpoſition of Lands, whereby the ſame become alienable.

Preamble.

After 24 *June*, 1736, no Manors, Lands, *&c.* nor Money to be laid out in Lands, to be given for charitable Uſes,

—unleſs by Deed indented and executed before 2 Witneſſes 12 Months before the Death of the Donor, and Inrolled, *&c.*

WHereas Gifts or Alienations of Lands, Tenements or Hereditaments, in Mortmain, are prohibited or reſtrained by Magna Charta, and divers other wholſome Laws, as prejudicial to, and againſt the common Utility; nevertheleſs this publick Miſchief has of late greatly increaſed by many large and improvident alienations or diſpoſitions made by languiſhing or dying Perſons, or other Perſons, to Uſes called Charitable Uſes, to take Place after their Deaths, to the Diſheriſon of their lawful Heirs; for Remedy whereof be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of June, which ſhall be in the Year of our Lord One thouſand ſeven hundred and thirty ſix, no Manors, Lands, Tenements, Rents, Advowſons, or other Hereditaments, Corporeal or Incorporeal, whatſoever, nor any Sum or Sums of Money, Goods, Chattels, Stocks in the publick Funds, Securities for Money, or any other perſonal Eſtate whatſoever, to be laid out or diſpoſed of in the Purchaſe of any Lands, Tenements, or Hereditaments, ſhall be given, granted, aliened, limited, releaſed, transferred, aſſigned, or appointed, or any ways conveyed or ſettled, to or upon any Perſon or Perſons, Bodies Politick or Corporate, or otherwiſe, for any Eſtate or Intereſt whatſoever, or any ways charged or incumbered by any Perſon or Perſons whatſoever, in Truſt, or for the Benefit of any charitable Uſes whatſoever; unleſs ſuch Gift, Conveyance, Appointment, or Settlement of any ſuch Lands, Tenements, or Hereditaments, Sum or Sums of Money, or perſonal Eſtate (other than Stocks in the publick Funds) be and be made by Deed indented, ſealed and delivered in the Preſence of Two or more credible Witneſſes Twelve Calendar Months at leaſt before the Death of ſuch Donor or Grantor (including the Days of the Execution and Death) and be inrolled in His Majeſty's High Court of Chancery, within Six Calendar Months next after the Execution thereof; and unleſs ſuch Stocks be transferred in the publick Books uſually kept for the Transfer of Stocks Six Calendar Months at leaſt before the Death of ſuch Donor or Grantor, (including the Days of the Transfer and Death) and unleſs the ſame be made to take Effect in Poſſeſſion for the charitable Uſe intended, immediately from the making thereof, and be without any Power of Revocation, Reſervation, Truſt, Condition, Limitation, Clauſe, or Agreement whatſoever, for the Benefit of the Donor or Grantor, or of any Perſon or Perſons claiming under him.

The ſaid Limitations not to extend to Purchaſes or Transfers made for valuable Conſiderations.

II. Provided always, That nothing herein before mentioned relating to the Sealing and Delivering of any Deed or Deeds Twelve Calendar Months at leaſt before the Death of the Grantor, or to the Transfer of any Stock Six Calendar Months before the Death of the Grantor or Perſon making ſuch Transfer, ſhall extend, or be conſtrued to extend, to any Purchaſe of any Eſtate or Intereſt in Lands, Tenements, or Hereditaments, or any Transfer of any Stock, to be made really and bonâ fide for a full and valuable Conſideration actually paid at or before the making ſuch Conveyance or Transfer without Fraud or Colluſion.

Gifts, *&c.* made after 24 *June*, 1736, otherwiſe than directed by this Act, to be abſolutely void.

III. And be it further enacted by the Authority aforeſaid, That all Gifts, Grants, Conveyances, Appointments, Aſſurances, Transfers, and Settlements whatſoever, of any Lands, Tenements, or other Hereditaments, or of any Eſtate or Intereſt therein, or of any Charge or Incumbrance affecting or to affect any Lands, Tenements, or Hereditaments, or of any Stock, Money, Goods, Chattels, or other Perſonal Eſtate, or Securities for Money to be laid out or diſpoſed of in the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate or Intereſt therein, or of any Charge or Incumbrance affecting or to affect the ſame, to or in Truſt for any charitable Uſes whatſoever, which ſhall at any Time, from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſix, be made in any other Manner or Form than by this Act is directed and appointed, ſhall be abſolutely, and to all Intents and Purpoſes, null and void.

But not to prejudice the 2 Univerſities, or the Colleges of *Eton*, *Wincheſter*, or *Weſtminſter*.

IV. Provided always, That this Act ſhall not extend, or be conſtrued to extend, to make void the Diſpoſitions of any Lands, Tenements, or Hereditaments, or of any Perſonal Eſtate to be laid out in the Purchaſe of any Lands, Tenements, or Hereditaments, which ſhall be made in any other Manner or Form than by this Act is directed, to or in Truſt for either of the Two Univerſities within that Part of Great Britain called England, or any of the Colleges or Houſes of Learning within either of the ſaid Univerſities, or to or in Truſt for the Colleges of Eton, Wincheſter, or Weſtminſter, or any or either of them, for the better Support and Maintenance of the Scholars only upon the Foundations of the ſaid Colleges of Eton, Wincheſter, and Weſtminſter.

No College to hold more Advowſons than ſhall be equal to 1 Moiety of their Fellows, *&c.*

V. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That no ſuch College or Houſe of Learning, which doth or ſhall hold or enjoy ſo many Advowſons of Eccleſiaſtical Benefices as are or ſhall be equal in Number to one Moiety of the Fellows or Perſons uſually ſtiled or reputed as Fellows, or, where there are or ſhall be no Fellows or Perſons uſually ſtiled or reputed as Fellows, to One Moiety of the Students upon the Foundation, whereof any ſuch College or Houſe of Learning doth, or may, by the preſent Conſtitution of ſuch College or Houſe of Learning conſiſt, ſhall from and after the Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſix, be capable of purchaſing, acquiring, receiving, taking, holding or enjoying any other Advowſons of Eccleſiaſtical Benefices by any Means whatſoever; the Advowſons of ſuch Eccleſiaſtical Benefices as are annexed to, or given for the Benefit or better Support of, the Headſhips of any of the ſaid Colleges or Houſes of Learning, not being computed in the Number of Advowſons hereby limited.

This Act not to extend to Eſtates in *Scotland.*

VI. Provided always, That nothing in this Act contained ſhall extend or be conſtrued to extend to the Diſpoſition, Grant or Settlement of any Eſtate, Real or Perſonal, lying or being within that Part of Great Britain called Scotland.

TIT. XXX.

POSSESSIONS and REVENUES of the CLERGY.

CAP. III.

Of what THINGS, *and in what* MANNER, *Tythe ſhall be paid.*

Pag. 669. *after* 6 *Annæ*, *Cap.* 28. *inſert*,

A.D. 1758.

31 Georg. II. Cap. 12.

An Act to encourage the Growth and Cultivation of Madder in that Part of Great Britain *called* England, *by aſcertaining the Tithe thereof there.*

Preamble.

Whereas Madder is an Ingredient eſſentially neceſſary in dyeing and Callicoe Printing, and of great Conſequence to the Trade and Manufactures of this Kingdom; and may be raiſed therein, equal in Goodneſs, if not ſuperior, to any Foreign Madder: And whereas the encouraging of the Growth thereof in this Kingdom, will be a Saving of a very large Sum of Money, which is now paid for that Commodity imported Duty-free from Abroad; and will alſo be a Means of employing great Numbers of Poor in the Winter Months: And whereas the aſcertaining of the Tithe of Madder will be the greateſt Means of encouraging the Growth of that Commodity in this Kingdom: May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of Auguſt, which will be in the Year of our Lord One thouſand ſeven hundred and fifty eight, all and every Perſon and Perſons who ſhall plant, grow, raiſe, or cultivate, or cauſe to be planted, grown, raiſed, or cultivated, any Madder in any Pariſh or Place within that Part of Great Britain called England, ſhall pay, or cauſe to be paid, to every Parſon, Vicar, Curate, or Impropriator of any ſuch Pariſh or Place, the Sum of Five Shillings, and no more, yearly, and every Year, for each Acre of Madder ſo planted, grown, raiſed, or cultivated, and ſo proportionably for more or leſs Ground ſo planted or cultivated, in lieu of all manner of Tithe of Madder; for the Recovery of which Sum or Sums of Money, the Parſon, Vicar, or Impropriator, ſhall have the common and uſual Remedy allowed of by the Laws of this Realm.

Madder to pay 5*s. per* Acre, Tithe;

II. Provided always, and be it enacted by the Authority aforeſaid, That no Madder ſhall be carried off the Ground on which it grows, before the Sum or Sums of Money herein before directed to be taken in lieu of Tithes, be paid to the Perſon or Perſons reſpectively intitled to receive the ſame.

—and not to be removed till Tithe be paid.

III. Provided alſo, That this Act, or any Thing herein contained, ſhall not extend to charge any Lands diſcharged by any Modus Decimandi, ancient Compoſition, or other Diſcharge of Tithes by Law.

Act not to extend to Lands diſcharged of Tithes, *&c.*

IV. Provided always, and be it enacted by the Authority aforeſaid, That this Act ſhall continue and be in Force for the Space of Fourteen Years, and from thence to the End of the then next Seſſion of Parliament, and no longer.

—and to be in Force 14 Years.

CAP. XII.

MORTUARIES.

Pag. 714. *After* 12 *Annæ, Cap.* 6. *inſert,*

A.D. 1755.

28 Georg. II. Cap. 6.

An Act for taking away Mortuaries in the Archdeaconry of Cheſter, *and giving a Recompence therefore to the Biſhop of* Cheſter *as Archdeacon of* Cheſter, *who holds and enjoys the ſaid Archdeaconry in Right of his See.*

21 Henry 8. c. 6

Whereas in and by an Act of Parliament made and paſſed in the one and twentieth Year of the Reign of King Henry the Eighth, intituled, Where Mortuaries ought to be paid, for what Perſons, and how much, and in what Caſe none is due; it is among other Things provided, That it ſhould be lawful to the Archdeacon of Cheſter, to take ſuch Mortuaries of the Prieſts within his Juriſdiction as theretofore had been accuſtomed: And whereas the Biſhops of the ſaid Dioceſe of Cheſter, as Archdeacons of Cheſter for the Time being, have accordingly uſed to demand and take, and do continue to demand and take, Mortuaries upon the Death of every Clergyman within the Juriſdiction of the ſaid Archdeacon of Cheſter; and the ſaid Mortuaries conſiſting of ſeveral of the beſt Goods of the deceaſed, do oftentimes amount to a very conſiderable Part of his Eſtate and Effects, and the Payment thereof doth very much leſſen the ſmall Proviſion which ordinarily the Clergy within the ſaid Archdeaconry are able to make for the Support of their Families, and tends greatly to the impoveriſhing the ſame: And whereas the Biſhops of Cheſter as Archdeacons of Cheſter for the Time being, are ſeiſed of the Advowſon, Right of Patronage, and Preſentation of, in and to the Rectory of the Pariſh Church of Waverton *alias* Wareton, in the ſaid Dioceſe and Archdeaconry of Cheſter, and the Right Reverend Edmund now Lord Biſhop of Cheſter, at the Inſtance and Requeſt, and upon the Propoſal of the greateſt Part of the Clergy within the ſaid Archdeaconry, hath conſented that all the Mortuaries or Corſe-preſents due and payable upon the Death of Clergymen within the ſaid Archdeaconry, ſhall for the future ceaſe and be aboliſhed, ſo as that in lieu thereof, and as a compenſation for the ſame, the ſaid Rectory or Parſonage of Waverton *alias* Wareton, with the Appurtenances thereof, ſhall be annexed to the ſaid Archdeaconry of Cheſter, and held and enjoyed by the ſaid Biſhop as Archdeacon of Cheſter, and his Succeſſors for ever, ſubject nevertheleſs to ſuch Stipend and Proviſion for a Miniſter or Curate of the ſaid Pariſh and Pariſh Church of Waverton *alias* Wareton, and his Succeſſors, as is herein after mentioned; and, as the carrying ſuch Propoſal and Requeſt into Execution and Effect would contribute greatly to the Satiſfaction, Encouragement and Benefit of the Clergy within the ſaid Archdeaconry: Therefore for the anſwering, obtaining, and accompliſhing the good Ends and Purpoſes afore-mentioned; be it enacted by the Kings moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That the aforeſaid Proviſo or Clauſe contained and inſerted in the ſaid Act, and herein before ſet forth or recited, and all and every Clauſe or Proviſo contained and inſerted in the ſame Act, ſo far as the ſame do reſpectively relate to the taking of any Mortuary or Corſe-preſent upon the Death of any Clergyman within the ſaid Archdeaconry of Cheſter, ſhall immediately, from and after ſuch Time as the ſaid Church or Living of Waverton *alias* Wareton, in the Dioceſe and Archdeaconry of Cheſter, ſhall become void by the Death, Reſignation, Ceſſion, or Deprivation of John Preſcot Clerk, the preſent Incumbent, ſtand, and be abſolutely repealed, annulled and void; and all and every Cuſtom or Uſage, Cuſtoms or Uſages, of and for paying, demanding or taking any Mortuary or Corſe-preſent, or any Goods, Chattels, Effects or Things, for or in the Name of a Mortuary or Corſe-preſent, upon the Death of any Clergyman within the ſaid Archdeaconry of Cheſter, ſhall, from and after ſuch firſt Vacancy or Avoidance of the ſaid Church or Living of Waverton *alias* Wareton, be utterly void, and totally aboliſhed for ever; and no Mortuary or Corſe-preſent, or Sum or Sums of Money for, in lieu of, or in the Name thereof, or in Commutation for the ſame, ſhall be yielded, paid, anſwered or ſatiſfied, or be due or payable by or from any Perſon or Perſons to any Biſhop of the ſaid Dioceſe of Cheſter, either as Dioceſan or Archdeacon of Cheſter for the time being, or to any Perſon or Per-

Upon the firſt Vacancy or Avoidance of the Living of *Waverton*, the Payment of Mortuaries in the Archdeaconry of *Cheſter* to ceaſe;

Mortuaries.

Perſons authorized by, or claiming under him, them, or any of them; and that from and after ſuch Vacancy or Avoidance as aforeſaid, it ſhall not be lawful to and for the Archdeacon of Cheſter or his Succeſſors, Farmers, Bailiffs or Leſſees, or any of them, or any Perſon or Perſons whatſoever claiming by or under ſuch Archdeacon or his Succeſſors, to take, receive or demand, of any Perſon or Perſons whatſoever, any Manner of Mortuary or Corſe-preſent, or any Sum or Sums of Money, or other Thing for or in lieu or Name of, or in Commutation for, any Mortuary or Corſe-preſent, or to convene, cite, ſue or proſecute any Perſon or Perſons, before any Judge Spiritual, or in any of his Majeſty's Courts of Law, or other Court whatſoever, for the Recovery of, or for, touching or concerning, any Mortuary or Corſe-preſent, or any thing in lieu thereof, for, or by Reaſon or on Account of, the Death of any Prieſt or Clergyman within the ſaid Archdeaconry of Cheſter, at any Time after ſuch Vacancy or Avoidance as aforeſaid, any thing in the ſaid recited Act, or any Law, Cuſtom or Uſage whatſoever to the contrary notwithſtanding.

— and no Compenſation to be paid or demanded in lieu thereof.

II. And be it further enacted by the Authority aforeſaid, That, as a Recompence and Compenſation to the Biſhop of Cheſter as Archdeacon of Cheſter for the Time being, and his Succeſſors, for ſuch Mortuaries as are mentioned or intended to be extinguiſhed and aboliſhed by this Act as aforeſaid, all that the Rectory or Parſonage and Church of Waverton *alias* Wareton, in the Dioceſe and Archdeaconry of Cheſter, with all the Lands, Tenements, Tythes, Tenths, Oblations, Obventions, Hereditaments and Appurtenances thereunto belonging or appertaining, or accepted, reputed, taken or known, as Part, Parcel or Member thereof, ſhall, from and immediately after ſuch Vacancy or Avoidance of the ſaid Church or Living, be veſted in the Biſhop of Cheſter and his Succeſſors, and ſhall from thenceforth be appropriated, annexed, and united to the See and Biſhoprick of Cheſter for ever; and all and every the Rights, Dues, Profits, Benefits and Advantages whatſoever, of the ſaid Rectory, or in any wiſe incident, belonging or appertaining to the ſame, ſhall from thenceforth be had, received, taken and enjoyed, by the ſaid Biſhop of Cheſter, and his Succeſſors for ever.

Upon the Extinction of Mortuaries, the Rectory of *Waverton* to be annexed to the See of *Cheſter*.

III. Provided always, and it is hereby further enacted by the Authority aforeſaid, That upon the firſt Vacancy or Avoidance of the ſaid Church or Living of Waverton *alias* Wareton, which ſhall happen next after the paſſing of this Act, it ſhall and may be lawful to and for the Biſhop of Cheſter for the Time being, and he and his Succeſſors in the ſaid See of Cheſter are hereby authorized and required, to nominate and appoint a Curate or Miniſter, duly qualified according to Law to hold a Living with Cure of Souls, to be Curate, Miniſter, or Incumbent of the ſaid Pariſh and Pariſh Church of Waverton *alias* Wareton, and who ſhall reſide in the ſaid Pariſh, and officiate and perform Divine Service and Offices in the ſaid Church, according to the Uſage of the Church of England as by Law eſtabliſhed, and have and enjoy ſuch yearly Stipend as is herein after mentioned; and alſo that it ſhall and may be lawful for the Biſhop of Cheſter for the Time being, upon every ſubſequent Vacancy or Avoidance of the ſaid Curacy or Living, forever, to nominate and appoint a Perſon duly qualified as aforeſaid, to be Curate or Miniſter of the ſaid Church or Living.

Biſhop to nominate a Curate to hold the ſaid Living,

IV. And it is hereby further enacted, That one yearly Stipend or yearly Sum of ſixty Pounds of lawful Money of Great Britain, free from all Reprizes and Deductions whatſoever, ſhall, from and after ſuch firſt Vacancy or Avoidance of the ſaid Church or Living of Waverton *alias* Wareton, and ſuch Nomination or Appointment of a Miniſter, Curate, or Incumbent, to officiate therein as aforeſaid, be veſted in, and ſettled upon ſuch Miniſter, Curate, or Incumbent, and his Succeſſors, Miniſters, or Curates, of the ſaid Pariſh and Pariſh Church of Waverton *alias* Wareton, for ever, and ſhall be from thenceforth charged upon, and iſſuing and payable out of the ſaid Rectory or Parſonage of Waverton *alias* Wareton, hereby veſted in the ſaid Biſhop and his Succeſſors as aforeſaid, and the Fruits, Profits, and Income thereof, by quarterly Payments on the Feaſts of the Annunciation of the Bleſſed Virgin Mary, the Nativity of Saint John Baptiſt, Saint Michael the Archangel, and the Birth of our Lord Chriſt, by equal Portions, the firſt Payment thereof to begin and be made at or on ſuch of the Feaſts or Days as ſhall firſt happen after the Nomination or Appointment of ſuch Miniſter, Curate or Incumbent, as aforeſaid; and that every ſuch Miniſter, Curate or Incumbent, for the Time being, ſhall have ſuch and the like Powers and Remedies for recovering and receiving the ſaid yearly Stipend of Sixty Pounds, and all Arrears thereof, as by an Act of Parliament made in the twenty-ninth Year of the late King Charles the Second, intituled, An Act for confirming and perpetuating Augmentations made by Eccleſiaſtical Perſons to ſmall Vicarages and Curacies, are given to any Vicar or Curate for recovering the Augmentations thereby veſted in, ſecured to, or provided for him and them reſpectively.

— with a yearly Salary of 60*l.*

— to be paid quarterly,

— and recoverable as 29 Car. 2. c. 8. directs.

V. Provided always, That nothing herein contained ſhall prejudice or affect the Right, Title or Intereſt of his Majeſty, his Heirs or Succeſſors, of, in or to the

Firſt Fruits and Tenths reſerved to the Crown.

Firſt Fruits and Tenths now or heretofore due or payable to his Majeſty, his Heirs and Succeſſors, for or in reſpect of the ſaid Rectory and Church of Waverton *alias* Wareton, but that ſuch Firſt Fruits and Tenths ſhall continue to be levied and paid in like Manner, as the ſame are and were before the paſſing of this Act; any thing herein contained to the contrary in any wiſe notwithſtanding.

Reſervation of other Rights in the ſaid Pariſh.

VI. Saving alſo to the King's Majeſty, his Heirs and Succeſſors, and to all and every other Perſon and Perſons, Bodies politick and corporate, his, her and their Heirs, Succeſſors, Executors and Adminiſtrators, other than the ſaid Biſhop of Cheſter and his Succeſſors, as well in and to the ſaid Biſhoprick and See, as in and to the Archdeaconry of Cheſter reſpectively, all ſuch Eſtate, Right, Title and Intereſt of, in, to or out of the ſaid Rectory and Church of Waverton *alias* Wareton aforeſaid, as they, every or any of them had, before the paſſing this Act, or could or might have had and enjoyed in caſe this Act had not been made.

Publick Act.

VII. And it is hereby enacted and declared, That this Act ſhall be taken and deemed to be a Publick Act, in all Courts whatſoever.

TIT. XXXI.

Leases of Bishopricks, Dignities, and Benefices.

CAP. III.

Leaſes of Biſhops.

Pag. 736. *after Stat.* 1 *Eliz. Cap.* 19. *inſert,*

1 & 2 Jac. I. Cap. 3.

A.D.1604.

An Act againſt the Diminution of the Poſſeſſions of Archbiſhopricks and Biſhopricks, and for Avoiding of Dilapidations of the ſame.

All Aſſurances made to the King of the Lands of Biſhops ſhall be void. By the Statute of 1 El. c. 19. no Biſhop can make any Leaſe of his Land but for 21 Years, or three Lives, to a Subject.

Whereas all the Archbiſhopricks and Biſhopricks within this Realm of England, were in ancient Times founded by his Majeſty's noble Progenitors, Kings of this Realm, and in Reſpect thereof, his Majeſty is lawful and rightful Patron of all and every of the ſame: And where alſo by the Laws and Statutes of this Realm, no Archbiſhop or Biſhop can make any Conveyance, Aſſurance or Eſtate whatſoever, of any Honours, Caſtles, Manors, Lands, Tenements or Hereditaments, Parcel of the Poſſeſſions of his Archbiſhoprick or Biſhoprick, or united, appertaining or belonging to any of the ſame, to any Subject whatſoever, whereby any Eſtate ſhould or might paſs from any Archbiſhop or Biſhop, other than for Term of one and twenty Years, or three Lives, with ſuch Reſervations of Rent, and in ſuch Manner and Form, as by the Laws and Statutes are provided: His moſt excellent Majeſty underſtanding that divers Perſons have with great Suit and Importunity ſought to fruſtrate the true End and Intent of the ſaid good Laws and Statutes in that Behalf, of his Chriſtian and Princely Piety and Care, minding ſo to patronize and protect the ſaid Poſſeſſions from Alienation or Diminution, as that the ſame may, according to the true Intent of the Founders, remain and continue in Succeſſion to the Archbiſhops and Biſhops of this Realm and their Succeſſors, for the better Maintenance of God's true Religion, Keeping of Hoſpitality, and Avoiding of Dilapidations, and thereby for ever hereafter to avoid all Suits and Importunities, for or concerning any of the ſaid Poſſeſſions, hath out of his own meer and godly Motion, and of his bleſſed Diſpoſition for the publick Good, without all Regard of any private Reſpect, vouchſafed and is pleaſed, That it may be enacted and eſtabliſhed by his Majeſty, by and with the Aſſent of the Lords Spiritual and Temporal, and the Commons, in this preſent Parliament aſſembled:

No Biſhop ſhall aſſure his land to the King.

II. And be it enacted and eſtabliſhed by Authority of the ſame, That every Archbiſhop and Biſhop within this Realm, and their and every of their Succeſſors, ſhall be, from and after the End of this preſent Seſſion of Parliament, for ever wholly

and

Leaſes of Biſhops.

and utterly diſabled in Law, to make, do, levy or ſuffer any Act or Acts, Thing or Things, whereby or by Means whereof, any of the ſaid Honours, Caſtles, Manors, Lands, Tenements or Hereditaments, or any Part of them, or any of them, ſhall or may be aliened, aſſured, given, granted, demiſed, charged, or in any Sort conveyed to our ſaid Sovereign Lord the King, his Heirs or Succeſſors: And that all Alienations, Aſſurances, Gifts, Grants, Leaſes, Charges and Conveyances whatſoever, from and after the End of this preſent Seſſion of Parliament, to be done, ſuffered or made to our Sovereign Lord the King, his Heirs or Succeſſors, by any Archbiſhop or Biſhop, or their, or any of their Succeſſors, of or out of any of the ſaid Poſſeſſions, or of or out of any Part or Parcel of them or any of them, and all and every Confirmation and Confirmations of the ſame, ſhall be, from and after the End of this preſent Seſſion of Parliament, utterly void and of none Effect, to all Intents, Conſtructions and Purpoſes; any former Law, Statute, Act, Ordinance, or other Matter or Thing to the contrary notwithſtanding.

TIT. XXXIII.

ADVOWSON, and RIGHT of PRESENTATION to Eccleſiaſtical Benefices.

CAP. V.

Right of Preſentation in the Univerſities, by Reaſon of RECUSANCY.

Pag. 776, *after Stat.* 12 *Annæ*, *Cap.* 14. *inſert*,

A.D. 1738. 11 Georg. II. Cap. 17.

An Act for ſecuring the Eſtates of Papiſts conforming to the Proteſtant Religion, againſt the Diſabilities created by ſeveral Acts of Parliament relating to Papiſts; and for rendring more effectual the ſeveral Acts of Parliament made for veſting in the two Univerſities, in that Part of Great Britain *called* England, *the Preſentations of Benefices belonging to Papiſts.*

V. And whereas by an Act made in the Twelfth Year of the Reign of Queen Anne, for rendring more effectual an Act made in the Third Year of the Reign of King James the Firſt, intituled, An Act to prevent and avoid Dangers which may grow by Popiſh Recuſants; and alſo One other Act made in the Firſt Year of the Reign of King William and Queen Mary, intituled, An Act to veſt in the Two Univerſities the Preſentations of Benefices belonging to Papiſts; it was enacted, That every Papiſt, or Perſon making Profeſſion of the Popiſh Religion, and every Child, not being a Proteſtant, under the Age of One and Twenty Years, of every ſuch Papiſt or Perſon profeſſing the Popiſh Religion, and every Mortgagee, Truſtee, or Perſon any ways intruſted directly or indirectly, mediately or immediately, by or for any ſuch Papiſt or Perſon making Profeſſion of the Popiſh Religion, or ſuch Child as aforeſaid, whether ſuch Truſt be declared by Writing or not, ſhould be diſabled and made incapable to preſent, collate, or nominate to any Benefice, Prebend, or Eccleſiaſtical Living, School, Hoſpital, or Donative, or to grant any Avoidance of any Benefice, Prebend, or Eccleſiaſtical Living, and that every ſuch Preſentation, Collation, Nomination, and Grant, and every Admiſſion, Inſtitution, and Induction to be made thereupon, ſhould be utterly void and of no Effect to all Intents, Conſtructions, and Purpoſes whatſoever; and that, in every ſuch Caſe, the Chancellor and Scholars of the Univerſity of Oxford, and the Chancellor and Scholars of the Univerſity of Cambridge, ſhould reſpectively have the Preſentation, Nomination, Collation, and Donation of and to every ſuch Benefice, Prebend, or Eccleſiaſtical Living, School, Hoſpital, and Donative, ſet, lying and being in the reſpective Counties, Cities, and other Places and Limits in the ſaid Act of the Third Year of King James mentioned, as in and by the ſaid Act is directed

12 Annæ, ſt. 2. c. 14.

— and 1 W. & M. ſt. 1. c. 26.

Right of Preſentation in the Univerſities, by reaſon of Recuſancy.

Every Grant made after 6 *May*, 1738, of any Eccleſiaſtical Living, *&c.* by any Papiſt, *&c.* void;

—unleſs made for a valuable Conſideration to a Proteſtant Purchaſer, *&c.*

—Every Deviſe made of any Eccleſiaſtical Living after 6 *May*, 1738, by a Papiſt, void.

rected and appointed in the Caſe of a Popiſh Recuſant Convict: And whereas for the better Diſcovery of all ſecret Truſts and fraudulent Conveyances made by Papiſts or Perſons making Profeſſion of the Popiſh Religion, of their Advowſons and Right af Preſentation, Nomination, and Donation to any Benefices or Eccleſiaſtical Livings, ſeveral Proviſions were made by the ſaid Act of the Twelfth Year of of the Reign of Queen Anne, which have been fraudulently evaded by Perſons obtaining from ſuch Papiſts, without a full and valuable Conſideration, Grants of ſuch Advowſons and Right of Preſentation, Nomination, and Donation, upon Confidence only, that ſuch Grantees will, at the Requeſt of ſuch Papiſts, preſent to ſuch Benefices or Eccleſiaſtical Livings, Clerks nominated by ſuch Papiſts, who have been preſented accordingly, contrary to the true Intent and Meaning of the ſaid Acts, and to the great Hurt of the Proteſtant Intereſt of this Kingdom; be it therefore enacted by the Authority aforeſaid, That every Grant to be made from and after the Sixth Day of May, One thouſand ſeven hundred and thirty eight, of any Advowſon or Right of Preſentation, Collation, Nomination, or Donation, of and to any Benefice, Prebend, or Eccleſiaſtical Living, School, Hoſpital, or Donative, and every Grant of any Avoidance thereof, by any Papiſt, or Perſon making Profeſſion of the Popiſh Religion, or any Mortgagee, Truſtee, or Perſon any ways intruſted directly or indirectly, mediately or immediately, by or for any ſuch Papiſt or Perſon making Profeſſion of the Popiſh Religion, whether ſuch Truſt be declared by Writing or not, ſhall be null and void, unleſs ſuch Grant ſhall be made bonâ fide, and for a full and valuable Conſideration to and for a Proteſtant Purchaſer or Proteſtant Purchaſers, and meerly and only for the Benefit of a Proteſtant or Proteſtants; and that every ſuch Grantee, or Perſon claiming under any ſuch Grant, ſhall be deemed to be a Truſtee for a Papiſt, or Perſon profeſſing the Popiſh Religion as aforeſaid, within the true Intent and Meaning of the ſaid Act; and that all ſuch Grantees, or Perſons claiming under ſuch Grants, and their Preſentees, ſhall be compelled to make ſuch Diſcovery relating to ſuch Grants and Preſentations made thereupon, and by ſuch Methods, as in and by the ſaid Act of the Twelfth Year of the Reign of Queen Anne, are directed in the Caſe of Truſtees of Papiſts or Perſons profeſſing the Popiſh Religion; and that every Deviſe to be made from and after the ſaid Sixth Day of May, by any Papiſt, or Perſon profeſſing the Popiſh Religion, of any ſuch Advowſon or Right of Preſentation, Collation, Nomination, or Donation, or any ſuch Avoidance, with Intent to ſecure the Benefit thereof to the Heirs or Family of ſuch Papiſt, or Perſon profeſſing the Popiſh Religion, ſhall be null and void; and that all ſuch Deviſees, and Perſons claiming under ſuch Deviſes, and their Preſentees, ſhall, in the like Manner, and by ſuch Methods, be compelled to diſcover, whether, to the beſt of their Knowledge and Belief, ſuch Deviſes were not made with the ſaid Intent.

CAP. X.

Rules concerning Writs of RIGHT, DAREIN PRESENTMENT, *and* QUARE IMPEDIT, *in common.*

Pag. 787. *after Stat.* 16 *Car. I. Cap.* 6. *inſert,*

24 Georg. II. Cap. 48.

A.D. 1751.

An Act for the Abbreviation of Michaelmas *Term.*

Writs of Summons to warrant, abridged to four Returns incluſive.

VIII. And whereas, before the making of this Act, all Writs of Summons to warrant againſt the Vouchers upon common Recoveries had, in Writs of Entry and Writs of Right of Advowſon, were made for five Returns incluſive; Now for the more ſpeedy perfecting of ſuch Recovery, be it enacted by the Authority aforeſaid, That from and after the ſaid Feaſt of Saint Michael the Archangel one thouſand ſeven hundred and fifty-two, all and every ſuch Writs of Summons, to warrant upon the Appearance of the Tenant to every ſuch Writ of Entry and Writ of Right of Advowſon, ſhall and may be made and abridged to four Returns incluſive.

Rules concerning Writs of Right, Darrein Preſentment, and Quare Impedit, in common.

X. Provided alſo, and be it enacted by the Authority aforeſaid, That the Days of Aſſize in Darrein Preſentment, and in a Plea of Quare Impedit, limited and appointed by the Statute of Marlbridge, and alſo the Days to be given in Attaint limited in the Statute made in the fifth Year of the Reign of King Edward the Third, and alſo in the Statute made in the three and twentieth Year of the Reign of the late King Henry the Eighth, being not contrary to the Tenor of this Act, ſhall be holden firm, and ſtand in their full Force and Effect.

Days of Aſſize in *Darrein Preſentment* and *Quare Impedit*, and the Days to be given in Attaint, to ſtand.

TIT. XXXIV.

Legal Poſſeſſion of Dignity and Benefice.

CAP. VI.

Subſcriptions at INSTITUTION.

Pag. 809, *After* 13, 14 *Car. II. Cap.* 4. *inſert,*

A.D. 1663.

15 Car. II. Cap. 6.

In an Act, Entituled, *An Act for Relief of ſuch Perſons as by Sickneſs or other Impediment were diſabled from ſubſcribing the Declaration in the Act of Uniformity, and Explanation of Part of the ſaid Act.*

V. And be it further enacted and declared by the Authority aforeſaid, That every Subſcription already made, or hereafter to be made, before any Vicar General or Chancellor to any Archbiſhop or Biſhop, or Commiſſary to the Archbiſhop of Canterbury or any other Biſhop, is, and ſhall be as effectual and beneficial in Law to all Intents and Purpoſes to every Perſon and Perſons which have, or ſhall make ſuch Subſcription as aforeſaid, as if the ſame had been made before the Archbiſhop or Biſhop of the Province or Dioceſe reſpectively; any Thing in the aforeſaid Act to the contrary notwithſtanding.

VII. And whereas ſome Doubt hath ariſen, whether Perſons prohibited to preach by the ſaid Act are in the ſame Plight as to Puniſhment, with Perſons diſabled by the ſaid Act to preach; Be it declared and enacted by the Authority aforeſaid, That the Penalties by the ſaid Act to be inflicted upon any Perſon diſabled by the ſaid Act to preach, for any Offence againſt the ſaid Act, ſhall in like Manner be inflicted upon every Perſon ſo offending, that is prohibited by the ſaid Act to preach; any Thing, Doubt or Ambiguity, in the ſaid Act to the contrary notwithſtanding.

Perſons prohibited to preach.
13, 14 Car. II. c. 4.

CAP. XI.

RESIGNATION, *and* EXCHANGE.

Pag. 821. *Before Stat.* 31 *Eliz. Cap.* 6. *inſert,*

A.D. 1534.

26 Henr. VIII. Cap. 3.

In an Act, Entituled, *The Bill for the Firſt-Fruits, with the yearly Penſions to the King.*

XXII. And be it alſo ordained and enacted by Authority aforeſaid, That no Penſion ſhall hereafter be aſſigned by the Ordinary, or by any other Manner of Agree-

No Penſion ſhall be reſerved upon the Reſignation of a Benefice, above the value of the third Part. 13 El. c. 20.

ment, by collateral Surety, or otherwiſe, upon any Reſignation of any Dignity, Benefice or Promotion ſpiritual, above the Value of the third Part of the Dignity, Benefice or Promotion ſpiritual reſigned: And if any Penſion amounting above the Value of the third Part of the Dignity, Benefice or Promotion ſpiritual heretofore reſigned, be already limited and made ſure to any ſpiritual Perſon or Perſons, by Decree of the Ordinary, or otherwiſe by any collateral Surety, or hereafter ſhall happen to be aſſigned and made ſure to any Perſon or Perſons ſpiritual, or to any other to their Uſe, by Decree of the Ordinary, or by any other collateral Surety, upon any Reſignation thereof; yet nevertheleſs the Incumbent charged with ſuch Penſion, nor his Sureties collateral, ſhall not be compelled to pay any more Penſion than the Value of the third Part of his Dignity, Benefice or Promotion ſpiritual ſo reſigned, ſhall amount unto; but ſhall, by Authority of this Act, be clearly acquitted and diſcharged of ſo much of the ſaid Penſion as ſhall amount above the Value of the third Part of the Dignity or Benefice reſigned; any Decree or Aſſignment of the Ordinary, or any collateral Writings or Sureties heretofore made, or hereafter to be had or made for the ſame, to the contrary thereof notwithſtanding.

TIT. XLIII.

OFFICES, and OFFICERS, belonging to the Spiritual Courts.

CAP. I.

PATENTS, *and* PATENTEES, *for Spiritual Juriſdiction.*

Pag. 983. *After* 1 *Eliz. Cap.* 19. *inſert,*

See Stat. 1, 2 Jac. I. Cap. 3. In Supplement TIT. XXXI. Cap. III.

TIT. XLIV.

SPIRITUAL COURTS, and Proceedings therein.

CAP. IV.

OATHS, WITNESSES, *and* PERJURY.

Pag. 1012. *Inſert Sect. II. of Stat.* 13 *Car. II. Cap.* 12. *before Sect. IV.*

The Stat. 16 Car. 1. c. 11. repealed as to all, except what concerns the High Commiſſion Court.

II. And be it further enacted by the Authority aforeſaid, That the afore recited Act of decimo ſeptimo Caroli, and all the Matters and Clauſes therein contained (excepting what concerns the High Commiſſion Court, or the new Erection of ſome ſuch like Court by Commiſſion) ſhall be, and is hereby repealed, to all Intents and Purpoſes whatſoever; any Thing, Clauſe or Sentence in the ſaid Act contained to the contrary notwithſtanding.

CAP. VI.

Of FEES, *and* EXTORTION.

Pag. 1017. *At the End of this Title, inſert,*

A.D 1731.

4 Georg. II. Cap. 26.

In an Act, Entituled, *An Act that all Proceedings in Courts of Juſtice within that Part of* Great Britain *called* England, *and in the Court of Exchequer in* Scotland, *ſhall be in the* Engliſh *Language.*

Whereas many and great Miſchiefs do frequently happen to the Subjects of this Kingdom, from the Proceedings in Courts of Juſtice being in an unknown Language, thoſe who are ſummoned and impleaded having no Knowledge or Underſtanding of what is alledged for or againſt them in the Pleadings of their Lawyers and Attornies, who uſe a Character not legible to any but Perſons practiſing the Law: To remedy theſe great Miſchiefs, and to protect the Lives and Fortunes of the Subjects of that Part of Great Britain called England, more effectually than heretofore, from the Peril of being enſnared or brought in Danger by Forms and Proceedings in Courts of Juſtice, in an unknown Language, Be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons of Great Britain in Parliament aſſembled, and by the Authority of the ſame, That from and after the twenty-fifth Day of March one thouſand ſeven hundred and thirty three, all Writs, Proceſs, and Returns thereof, and Proceedings thereon, and all Pleadings, Rules, Orders, Indictments, Informations, Inquiſitions, Preſentments, Verdicts, Prohibitions, Certificates, and all Patents, Charters, Pardons, Commiſſions, Records, Judgments, Statutes, Recognizances, Bonds, Rolls, Entries, Fines and Recoveries, and all Proceedings relating thereunto, and all Proceedings of Courts Leet, Courts Baron and Cuſtomary Courts, and all Copies thereof, and all Proceedings whatſoever in any Courts of Juſtice within that Part of Great Britain called England, and in the Court of Exchequer in Scotland, and which concern the Law and Adminiſtration of Juſtice, ſhall be in the Engliſh Tongue and Language only, and not in Latin or French, or any other Tongue or Language whatſoever, and ſhall be written in ſuch a common legible Hand and Character, as the Acts of Parliament are uſually ingroſſed in, and the Lines and Words of the ſame to be written at leaſt as cloſe as the ſaid Acts uſually are, and not in any Hand commonly called Court Hand, and in Words at Length and not abbreviated; any Law, Cuſtom or Uſage heretofore to the contrary thereof notwithſtanding: And all and every Perſon or Perſons offending againſt this Act, ſhall for every ſuch Offence forfeit and pay the Sum of fifty Pounds to any Perſon who ſhall ſue for the ſame by Action of Debt, Bill, Plaint or Information in any of his Majeſty's Courts of Record in Weſtminſter Hall, or Court of Exchequer in Scotland reſpectively, wherein no Eſſoin, Protection or Wager of Law, or more than one Imparlance ſhall be allowed.

This Act extended to *Wales* by 6 Geo. 2. c. 14.

— After 25 *March* 1733, all Proceedings in Courts in *England*, or Exchequer in *Scotland*, to be in *Engliſh*, and in Words at length. 6 Geo. 2. c. 6.

— Penalty 50*l.* — Altered by 6 Geo. 2. c. 14. ſ. 5.

II. And be it further enacted by the Authority aforeſaid, That Miſtranſlation, Variation in Form by reaſon of Tranſlation, Miſpelling or Miſtake in Clerkſhip, or Pleadings or Proceedings begun or to be begun before the ſaid twenty fifth Day of March one thouſand ſeven hundred and thirty three, being part in Latin and part in Engliſh, ſhall be no Error, nor make void any Proceedings by reaſon thereof; but that all Manner of Miſtranſlation, Errors in Form, Miſpellings, Miſtakes in Clerkſhip, may at any Time be amended, whether in Paper or on Record or otherwiſe, before or after Judgment, upon Payment of reaſonable Coſts only.

Miſtranſlation before 25 *March* 1733, may be amended before or after Judgment.

6 Georg. II. Cap. 14.

A.D.1733.

In an Act, Entituled, *An Act for the more effectual preventing frivolous and vexatious Arreſts, and for the more eaſy Recovery of Debts and Damages, in the Courts of Great Seſſions in the Principality of* Wales, *and in the Court of Aſſize in the County Palatine of* Cheſter, *and for the obviating a Doubt which has ariſen upon an Act made in the fourth Year of his preſent Majeſty's Reign, intituled,* An Act that all Proceedings in Courts of Juſtice, within that Part of *Great Britain* called *England*, and in the Court of Exchequer in *Scotland*, ſhall be in the *Engliſh* Language, *ſo far as the ſame Act doth or may relate to the Courts of Juſtice holden within the ſaid Principality, and for explaining and amending the ſaid Act.*

After 25 *March* 1733, No Penalty to be incurred for Abbreviations commonly uſed in *Engliſh*, nor Technical Terms, *&c.*

V. And be it further enacted by the Authority aforeſaid, That all Writs, Proceſs and Returns thereof, and Proceedings thereon, and all Pleadings, Rules, Orders, Indictments, Informations, Inquiſitions, Preſentments, Verdicts, Prohibitions, Certificates, Patents, Charters, Pardons, Commiſſions, Records, Judgments, Statutes, Recognizances, Bonds, Rolls, Entries, Fines and Recoveries, and all proceedings relating thereunto, and all proceedings of Courts Leet, Courts Baron and Cuſtomary Courts, and all Copies thereof, and all proceedings whatſoever, in any Courts of Juſtice within England, Wales and the Town of Berwick upon Tweed, and in the Court of Exchequer in Scotland, and which concern the Law and Adminiſtration of Juſtice, may, from and after the twenty fifth Day of March one thouſand ſeven hundred and thirty three, be written or printed in a common legible Hand and Character, and with the like Way of Writing or Printing, and with the like Manner of expreſſing Numbers by Figures, as have been heretofore, or are now commonly uſed in the ſaid Courts reſpectively, and with ſuch Abbreviations as are now commonly uſed in the Engliſh Language, and that no penalty or puniſhment ſhall be incurred, by Virtue of the ſaid recited Act, for any other Offence than for Writing or Printing any of the Proceedings, or other the Matters and Things above mentioned, in any Hand commonly called Court Hand, or in any Language except the Engliſh Language, nor ſhall any ſuch Penalty or Puniſhment be extended to the expreſſing the proper or known Names of Writs or other Proceſs or Technical Words in the ſame Language as hath been commonly uſed, ſo as the ſame be written or printed in a common legible Hand and Character, and not in any Hand commonly called Court Hand; and that all Proſecutions for Offences againſt the ſaid Act ſhall be commenced within three Months after the ſame ſhall be committed; and that the ſeveral Officers in the ſeveral Offices of the King's and the Lord Treaſurer's Remembrancer, and in the Offices of the Clerk of the Pipe, and the Clerk of Eſtreats in his Majeſty's Court of Exchequer, ſhall and may write and ſend out, in Proceſs for his Majeſty's Service, Rolls or Schedules of all ſuch Debts as have been forfeited and became due and owing to his ſaid Majeſty, before the ſaid twenty fifth Day of March one thouſand ſeven hundred and thirty three, in the ſame Manner they uſed to do, provided the Writ or Proceſs to be annexed to the ſaid Rolls or Schedules ſhall be in the Engliſh Tongue and in a common legible Hand, and according to the Direction of the ſaid recited Act; any Thing in the ſaid Act made in the fourth Year of his preſent Majeſty's Reign, or any other Law or Statute to the contrary thereof in any wiſe notwithſtanding.

—Proſecutions to be commenced within 3 Months.

—Proceſs of the Pipe Office, *&c.* may be iſſued as formerly,

—if the Proceſs annexed be in *Engliſh*, and a common Hand.

TIT. XLV.

PROHIBITIONS, APPEALS, and INHIBITIONS

CAP. III.

Divers HEADS, *on which Prohibitions do, or do not,* LIE.

Pag. 1026. *after Stat.* 3 *Henr. VII. Cap.* 5. *and* 11 *Henr. VII. Cap.* 8. *inſert,*

A.D.1545. Both repealed by Stat. 37 Henr. VIII. Cap. 9. §. 1.

TIT. XLVI.

CENSURES and PUNISHMENTS in the SPIRITUAL COURTS.

CAP. XII.

Reſtraints upon Spiritual Courts, from inflicting Temporal Puniſhments.

Pag. 1075. *after Stat.* 16 *Car. I. Cap.* 11. *inſert,*

A.D.1661. 13 Car. II. Cap. 12.

In an Act, Entituled, *An Act for Explanation of a Clauſe contained in an Act of Parliament made in the Seventeenth Year of the late King* Charles, *intituled,* An Act for Repeal of a Branch of a Statute 1 *Eliz.* concerning Commiſſioners for Cauſes Eccleſiaſtical.

II. And be it further enacted by the Authority aforeſaid, That the afore recited Act of decimo ſeptimo Caroli, and all the Matters and Clauſes therein contained (excepting what concerns the High Commiſſion Court, or the new Erection of ſome ſuch like Court by Commiſſion) ſhall be, and is hereby repealed, to all Intents and Purpoſes whatſoever; any Thing, Clauſe or Sentence in the ſaid Act contained to the contrary notwithſtanding.

The Stat. 16 Car. 1. c. 11. repealed as to all, except what concerns the High Commiſſion Court.

TIT. XLVII.

Spiritual Crimes and Vices, Reſtrained by Temporal Puniſhments.

CAP. II.

Swearing *and* Curſing.

Pag. 1079. *After* 6, 7 *Will. III. Cap.* 11. *inſert,*

19 Georg. II. Cap. 21.

A.D. 1746.

An Act more effectually to prevent profane Curſing and Swearing.

FOraſmuch as the horrid, impious, and execrable Vices of profane Curſing and Swearing (ſo highly diſpleaſing to Almighty God, and loathſome and offenſive to every Chriſtian) are become ſo frequent and notorious, that unleſs ſpeedily and effectually puniſhed, they may juſtly provoke the Divine Vengeance to increaſe the many Calamities theſe Nations now labour under: And whereas the Laws now in being for puniſhing thoſe Crimes, have not anſwered the Intents for which they were deſigned, by Means of Difficulties attending the putting ſuch Laws in Execution: For Remedy whereof, may it pleaſe your moſt Excellent Majeſty, that it may be Enacted; and be it Enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of June, One thouſand ſeven hundred and forty ſix, if any Perſon or Perſons ſhall profanely Curſe or Swear, and be thereof convicted on the Oath of any One or more Witneſs or Witneſſes, before any One Juſtice of the Peace for any County, City, Riding, Diviſion, or Liberty, or before the Mayor, Juſtice, Bailiff, or other Chief Magiſtrate, of any City or Town Corporate, or by the Confeſſion of the Party offending, every Perſon or Perſons ſo offending, ſhall forfeit and loſe the reſpective Sums herein after mentioned; (that is to ſay)

The Penalty of profane Curſing and Swearing.

Every Day Labourer, Common Soldier, Common Sailor, and Common Seaman, One Shilling;
And every other Perſon under the Degree of a Gentleman, Two Shillings:
And every Perſon of, or above, the Degree of a Gentleman, Five Shillings.

And in caſe any ſuch Perſon or Perſons ſhall, after Conviction, offend a Second Time, every ſuch Perſon ſhall forfeit and loſe Double; and for every other Offence after a Second Conviction, Treble the Sum firſt forfeited by any Offender, for profane Curſing and Swearing as aforeſaid.

Profane Swearers in the Hearing of any Juſtice, *&c.*

II. And be it further Enacted by the Authority aforeſaid, That in Caſe any Perſon or Perſons ſhall profanely Swear or Curſe, in the preſence and hearing of any Juſtice of the Peace for any County, Riding, Diviſion, or Liberty; or in the preſence or hearing of any Mayor, Juſtice, Bailiff, or other Chief Magiſtrate of any Town Corporate; every ſuch Juſtice, Mayor, or other Chief Magiſtrate as aforeſaid, ſhall, and is hereby authorized and required to convict every ſuch Offender of ſuch offence (in the Form and Manner herein after ſet forth) without any other proof whatſoever.

—to be convicted without other Proof.

Conſtables, *&c.* to ſeize Perſons profanely Swearing, if unknown,

—and bring them before the next Juſtice, *&c.*

—who is to convict them on the Officer's Oath;

III. And be it further Enacted by the Authority aforeſaid, That in caſe any perſon or perſons ſhall profanely Swear or Curſe, in the preſence and hearing of any Conſtable, Petty Conſtable, Tythingman, or other Peace Officer, it ſhall and may be lawful for any and every ſuch Conſtable, Petty Conſtable, Tythingman, or other Peace Officer, and they and each of them are hereby authorized and required (in caſe any ſuch Perſon ſhall be unknown to ſuch Conſtable, Petty Conſtable, Tythingman, or other Peace Officer) to ſeize, ſecure, and detain ſuch Offender or Offenders, unknown to him or them as aforeſaid; and ſuch Offender or Offenders forthwith to carry before the next Juſtice of the Peace for the County, Riding, Diviſion, or Liberty, or before the Mayor, Juſtice, Bailiff, or other Chief Magiſtrate of the Town Corporate, wherein ſuch Offence was committed; and the ſaid Juſtice, Mayor, or other Chief Magiſtrate, is hereby authorized and required, on the Oath of ſuch Conſtable, Petty Conſtable, Tythingman, or other Peace Officer, to

Swearing and Curſing.

to convict the Offender in Manner and Form herein after directed: And in caſe any ſuch Perſon ſo profanely Swearing or Curſing, in the Preſence or Hearing of any ſuch Conſtable, Petty Conſtable, Tythingman, or other Peace Officer, ſhall be known to any of them, every ſuch Conſtable, Petty Conſtable, Tythingman, or other Peace Officer, ſhall, and is hereby required ſpeedily to make Information before ſome Juſtice of the Peace for the County, Riding, Diviſion, or Liberty, Mayor, Juſtice, Bailiff, or Chief Magiſtrate of any Town Corporate, as aforeſaid, in order that the Offender or Offenders may be by ſuch Juſtice, Mayor, Bailiff, or Chief Magiſtrate convicted thereof, and puniſhed for the ſame, in Manner and Form as in and by this Act is directed.

—and if they are known, Information to be made.

Juſtices, &c. upon information, to order the offender to appear, &c.

IV. And be it further enacted by the Authority aforeſaid, That every ſuch Juſtice of the Peace, Mayor, or other Chief Magiſtrate, as aforeſaid, ſhall immediately upon Information given upon Oath of any ſuch Conſtable, Petty Conſtable, Tythingman, or other Peace Officer, or of any other perſon whatſoever, cauſe the Offender or Offenders to appear before him; and upon ſuch Information being proved as aforeſaid, convict ſuch Offender or Offenders in ſuch Manner as in and by this Act is preſcribed. And in caſe ſuch Offender or Offenders ſhall not immediately pay down the reſpective Sum ſo forfeited, or give Security to the Satiſfaction of ſuch Juſtice, Mayor, or other Chief Magiſtrate, before whom ſuch Conviction is made, it ſhall and may be lawful for ſuch Juſtice, Mayor, or other chief Migiſtrate, to commit the Offender to the houſe of correction for the County, Riding, Diviſion, Liberty, City, or Town corporate, where ſuch Offence ſhall be committed, there to remain, and be kept to hard Labour, for the Space of Ten Days.

—Penalty to be paid, or Security given,

—or the Offender to be committed for 10 Days to the Houſe of Correction.

Common Soldiers and Sailors,

V. Provided always, and it is hereby enacted by the Authority aforeſaid, That in caſe any Common Soldier belonging to any Regiment in his Majeſty's Service, or any common Sailor or common Seaman belonging to any Ship or Veſſel, ſhall be convicted of profane Curſing or Swearing, as aforeſaid, and ſhall not immediately pay down the penalty by him forfeited, or give Security for the ſame as aforeſaid, and alſo the Coſt of the Information, Summons, and Conviction, as in and by this Act is directed, every ſuch common Soldier, common Sailor or common Seaman, inſtead of being committed to the houſe of correction, as by this Act is directed, ſhall, by the ſaid Juſtice, Mayor, Bailiff, or other Head Officer, be ordered to be publickly ſet in the Stocks for the Space of One Hour, for every ſingle Offence; and for any Number of Offences, whereof he ſhall be convicted at one and the ſame Time, Two Hours.

—not paying the Penalty, &c.

—to be ſet in the Stocks.

Juſtices, &c. not doing their Duty,

VI. And be it further enacted by the Authority aforeſaid, That if any Juſtice of the Peace of any County, Riding, Diviſion, or Liberty, Mayor, Juſtice, Bailiff, or other chief Magiſtrate of any Town corporate, ſhall wilfully and wittingly omit the performance of his Duty, in the Execution of this Act, he ſhall forfeit and loſe the Sum of Five Pounds; One Moiety thereof to the Uſe of the Informer, and the other Moiety thereof to the Uſe of the Poor of the pariſh wherein ſuch Juſtice, Mayor, or other chief Magiſtrate ſhall reſide; to be recovered by Action, Suit, Bill, or Plaint, in any of his Majeſty's Courts of Record at Weſtminſter; wherein no Eſſoin, Protection, or Wager of Law, ſhall be allowed, or more than One Imparlance.

—forfeit 5 *l.*

Conſtables, &c. not doing their Duty,

VII. And be it further enacted by the Authority aforeſaid, That if any Conſtable, Petty Conſtable, Tythingman, or other Peace Officer, ſhall wilfully and wittingly omit the performance of his Duty in the Execution of this Act, and be thereof convicted by the Oath of One Witneſs, before any Juſtice of the Peace for any County, Riding, Diviſion, or Liberty, or before the Mayor, Juſtice, Bailiff, or other chief Magiſtrate of any Town corporate, every ſuch Conſtable, Petty Conſtable, Tythingman, or other Peace Officer ſo offending, ſhall forfeit and loſe the Sum of Forty Shillings; to be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Virtue of a Warrant under the Hand and Seal of ſuch Juſtice, Mayor, or other chief Magiſtrate, and to be diſpoſed of, One Moiety thereof to the Uſe of the Informer, and the other Moiety to the Uſe of the Poor of the pariſh where ſuch Offence ſhall be committed; and in caſe ſuch Offender ſhall not have ſufficient Goods and Chattels, whereon to levy the ſaid Penalty, it ſhall and may be lawful for ſuch Juſtice, Mayor, or other chief Magiſtrate, to commit ſuch Offender to the Houſe of Correction for the County, Riding, Diviſion, Liberty, City, or Place, there to remain, and be kept to hard Labour, for the Space of One Month.

—forfeit 40 *s.*

—and for want of Diſtreſs, to be committed for one Month to the Houſe of Correction.

VIII. And be it further enacted by the Authority aforeſaid, That all and every Juſtice of the Peace for any County, Riding, Diviſion, or Liberty, and all and every Mayor, Juſtice, Bailiff, or other chief Magiſtrate of any Town corporate, before whom any perſon or perſons ſhall be convicted of profane Swearing or Curſing, ſhall cauſe the Conviction to be drawn up in the Words and Form following.

Form of Conviction;

Middleſex, To wit. BE it remembered, that on the Day of in the Year of his Majeſty's Reign, *A. B.* was convicted before me *(One of his Majeſty's Juſtices of the Peace for the County, Riding, Diviſion, or Liberty aforeſaid; or before me Mayor, Juſtice, Bailiff, or other Chief Magiſtrate of the City or Town of within the County of , as the Caſe ſhall be)* of ſwearing One *or more* profane Oath *or Oaths, or* of curſing One *or more* profane Curſe *or Curſes, as the Caſe ſhall be.*

Given under my Hand and Seal the Day and Year aforeſaid.

—to be wrote on Parchment, and returned to the next Seſſions.

Which ſaid Form and Conviction ſhall not be liable to be removed by Certiorari into his Majeſty's Court of King's Bench, but ſhall be deemed and taken to be final to all Intents and Purpoſes whatſoever; and the ſaid Juſtice, Mayor, Bailiff, or other Chief Magiſtrate, before whom ſuch Conviction ſhall be made, ſhall cauſe the ſame to be fairly wrote over upon Parchment, and returned to the next General or Quarter Seſſions of the Peace for the County wherein ſuch conviction was made, to be filed by the Clerk of the Peace, and remain and be kept amongſt the Records of the ſaid County.

Juſtices, &c. to put this Act in Execution indiſcriminately.

IX. And be it further enacted by the Authority aforeſaid, That all and every Juſtice of the Peace for any County, Riding, Diviſion, or Liberty, and every Mayor, Juſtice, Bailiff, or other chief Magiſtrate of any City or Town corporate, may, and they are hereby authorized and required to put this Act in Execution againſt any perſon or perſons within their ſeveral Juriſdictions, although ſuch Juſtice, Mayor, Bailiff, or other chief Magiſtrate ſhall be rated and pay to the Relief of the Poor of any pariſh, Town, or place, where any Offence, contrary to the true Intent and Meaning of this Act, ſhall be committed; any Law or Statute to the contrary in any wiſe notwithſtanding.

Penalties how to be diſpoſed of.

—Offenders to pay all Charges over and above the Penalties,

—or be committed to the Houſe of Correction for 6 Days Extraordinary.

X. And be it further enacted by the Authority aforeſaid, That all and every penalty or penalties inflicted by this Act, upon any perſon or perſons for profane Curſing and Swearing, ſhall be diſpoſed of for the Benefit of the Poor of the pariſh wherein ſuch Offence was committed; and that all charges of the information and conviction of any ſuch Offender ſhall be borne and paid by the party offending, if able, over and above the penalties inflicted by this Act, which charges ſhall be ſettled and aſcertained by the Juſtice of Peace, Mayor, Bailiff, or other chief Magiſtrate, before whom ſuch conviction ſhall be made. And in caſe ſuch party ſhall not be able, or ſhall not immediately pay the ſaid charges and expences, or give Security for the ſame to the Satiſfaction of ſuch Juſtice of the Peace, Mayor, Bailiff, or other chief Magiſtrate, it ſhall and may be lawful for the Juſtice, Mayor, Bailiff, or other chief Magiſtrate, before whom ſuch information and conviction ſhall be made, to commit ſuch Offender to the houſe of correction as aforeſaid, there to remain, and be kept to hard Labour, for the Space of Six Days, over and above ſuch Time for which ſuch Offender may be committed in Default of Payment of the Penalties inflicted by this Act; and in ſuch caſe no charges of Information and conviction ſhall be paid by any perſon whatſoever.

General Iſſue.

Treble Coſts.

XI. And it is hereby further enacted, That if any Action or Suit ſhall be commenced or brought againſt any Juſtice of the Peace, Conſtable, or other Officer or perſon whatſoever, for doing, or cauſing to be done, any thing in purſuance of this Act, concerning the ſaid Offences, the Defendant in that Action may plead the General Iſſue, and give the Special Matter in Evidence; and if upon ſuch Action, Verdict be given for the Defendant, or the Plaintiff become nonſuit, or diſcontinue his Action, then the Defendant ſhall have Treble Coſts.

Proof, &c. to be made within 8 Days.

XII. Provided always, and it is hereby enacted, That no perſon ſhall be proſecuted or troubled for any Offence againſt this Statute, herein before, or herein after mentioned, unleſs the ſame be proved or proſecuted within Eight Days next after the Offence committed.

Act to be read quarterly in all Churches, &c.

—Penalty of 5 *l.* for Neglect.

XIII. And it is further enacted by the Authority aforeſaid, That this Act ſhall be publickly read Four ſeveral Times in the Year, in all pariſh churches and publick Chapels, by the Parſon, Vicar, or Curate of the reſpective Pariſhes or Chapels, immediately after Morning or Evening Prayer, on Four ſeveral Sundays (that is to ſay) the Sunday next after the Twenty fifth Day of March, Twenty fourth Day of June, Twenty ninth Day of September, and Twenty fifth Day of December, in every Year; or in caſe Divine Service ſhall not be performed in any ſuch Church or Chapel on any of the Sundays before mentioned, then, upon the firſt Sunday after any of the ſaid quarterly Days on which Divine Service ſhall happen to be performed in any ſuch Church or Chapel, under the Pain of forfeiting the Sum of Five Pounds for every ſuch Omiſſion or Neglect; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by virtue of a Warrant under the Hand and Seal of any One Juſtice, Mayor, Bailiff, or other chief Magiſtrate, as aforeſaid.

Swearing and Curſing.

XIV. And be it further enacted by the Authority aforeſaid, That the Clerk of the Juſtice, Mayor, Bailiff, or other chief Officer, before whom Proceedings upon this Act ſhall be had, ſhall and may receive and take for the Information, Summons, and Conviction of every Offender againſt this Act, the Sum of One Shilling, and no more.

Fee of 1 *s.* to the Juſtice's, *&c.* Clerk.

XV. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Firſt Day of June, One thouſand ſeven hundred and forty ſix, an Act made in the Twenty firſt Year of the Reign of King James the Firſt, intituled, An Act to prevent and reform profane Curſing and Swearing; and alſo an Act made in the Sixth and Seventh Years of the Reign of King William the Third, intituled, An Act for the more effectual ſuppreſſing profane Curſing and Swearing, ſhall be, and are hereby repealed.

21 Jac. 1. c. 20. and 6 & 7 W. 3. c. 11. repealed.

CAP. VI.

BASTARDY, *and* BASTARDS.

Pag. 1089. *After* 13, 14 *Car. II. Cap.* 12. *inſert,*

A.D. 1733.

6 Georg. II. Cap. 31.

An Act for the Relief of Pariſhes and other Places from ſuch Charges as may ariſe from Baſtard Children born within the ſame.

After 24 *June* 1733. the Perſon charged on Oath of being the Father of a Baſtard Child,

Whereas the Laws now in Being are not ſufficient to provide for the ſecuring and indemnifying Pariſhes and other Places from the great Charges frequently ariſing from Children begotten and born out of lawful Matrimony: For Remedy thereof, Be it enacted by the King's moſt excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the twenty-fourth Day of June in the Year of our Lord one thouſand ſeven hundred and thirty three, if any ſingle Woman ſhall be delivered of a Baſtard Child, which ſhall be chargeable, or likely to become chargeable to any Pariſh or extraparochial Place, or ſhall declare herſelf to be with Child, and that ſuch Child is likely to be born a Baſtard, and to be chargeable to any Pariſh or extraparochial Place, and ſhall, in either of ſuch Caſes, in an Examination to be taken in Writing, upon Oath, before any one or more Juſtice or Juſtices of the Peace of any County, Riding, Diviſion, City, Liberty or Town corporate, wherein ſuch pariſh or place ſhall lie, charge any Perſon with having gotten her with Child, it ſhall and may be lawful to and for ſuch Juſtice or Juſtices, upon Application made to him or them by the Overſeers of the Poor of ſuch pariſh, or by any one of them, or by any ſubſtantial Houſeholder of ſuch extraparochial place, to iſſue out his or their Warrant or Warrants for the immediate apprehending ſuch Perſon ſo charged as aforeſaid, and for bringing him before ſuch Juſtice or Juſtices, or before any other of his Majeſty's Juſtices of the Peace of ſuch County, Riding, Diviſion, City, Liberty or Town corporate, and the Juſtice or Juſtices before whom ſuch Perſon ſhall be brought, is, and are hereby authorized and required to commit the Perſon ſo charged as aforeſaid to the common Gaol or Houſe of Correction of ſuch County, Riding, Diviſion, City, Liberty or Town corporate, unleſs he ſhall give Security to indemnify ſuch pariſh or place, or ſhall enter into a Recognizance with ſufficient Surety, upon Condition to appear at the next General Quarter-Seſſions or General Seſſions of the Peace to be holden for ſuch County, Riding, Diviſion, City, Liberty or Town corporate, and to abide and perform ſuch Order or Orders as ſhall be made in purſuance of an Act paſſed in the eighteenth Year of the Reign of her late Majeſty Queen Elizabeth, concerning Baſtards begotten and born out of lawful Matrimony.

— may be immediately apprehended,

— and committed to Priſon, unleſs he give Security. 18 Eliz. c. 3.

II. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That if the Woman ſo charging any Perſon as aforeſaid ſhall happen to die, or be married before ſhe ſhall be delivered, or if ſhe ſhall miſcarry of ſuch Child, or ſhall appear not

Such perſon on the Woman's Miſcarriage, *&c.* ſhall be diſcharged.

not to have been with Child at the Time of her Examination, then, and in any of the ſaid Caſes, ſuch Perſon ſhall be diſcharged from his Recognizance at the next General Quarter-Seſſions or General Seſſions of the Peace to be holden for ſuch County, Riding, Diviſion, City, Liberty or Town corporate, or immediately releaſed out of Cuſtody, by Warrant under the Hand and Seal or Hands and Seals of any one or more Juſtice or Juſtices of the Peace reſiding in or near the Limits where ſuch pariſh or place ſhall lie.

The Juſtices, on priſoner's Requeſt, may ſummon the Overſeers, &c.

III. Provided alſo, and be it enacted by the Authority aforeſaid, That upon Application made by any Perſon who ſhall be committed to any Gaol or Houſe of Correction by virtue of this Act, or by any Perſon on his Behalf, to any Juſtice or Juſtices reſiding in or near the Limits where ſuch pariſh or place ſhall lie, ſuch Juſtice or Juſtices is and are hereby authorized and required to ſummon the Overſeer or Overſeers of the Poor of ſuch pariſh, or one or more of the ſubſtantial Houſeholders of ſuch extraparochial Place, to appear before him or them at a Time and Place to be mentioned in ſuch Summons, to ſhew Cauſe why ſuch Perſon ſhould not be diſcharged; and if no Order ſhall appear to have been made in purſuance of the ſaid Act of the eighteenth Year of the Reign of her late Majeſty Queen Elizabeth, within ſix Weeks after ſuch Woman ſhall have been delivered, ſuch Juſtice or Juſtices ſhall and may diſcharge him from his Impriſonment in ſuch Gaol or Houſe of Correction to which he ſhall have been committed.

—and if no Order be made within ſix Weeks after the Woman's Delivery, Priſoner to be ſet at Liberty.

The Woman not to be examined relating to her Pregnancy, till one Month after her Delivery.

IV. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall not be lawful for any Juſtice or Juſtices of the Peace to ſend for any Woman whatſoever before ſhe ſhall be delivered, and one Month after, in order to her being examined concerning her Pregnancy, or ſuppoſed Pregnancy, or to compel any Woman before ſhe ſhall be delivered to anſwer to any Queſtions relating to her Pregnancy; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

TIT. XLVIII.

Temporal Perſons and Matters, of Spiritual Cognizance and Concern.

CAP. I.

PHYSICIANS *and* SURGEONS.

Pag. 1098. *After* 14, 15 *Henr. VIII. Cap.* 5. *inſert,*

34, 35 Henr. VIII. Cap. 8.

A.D. 1542.

Any Perſon being no Common Surgeon, may miniſter outward Medicines.

By what Means the Surgeons of *London* have abuſed the Statute of 3 *H.* 8. 11. for their own Gain.

Where in the Parliament holden at Weſtminſter, in the third Year of the Kings moſt gracious Reign, amongſt other things, for the avoiding of Sorceries, Witchcrafts, and other inconveniencies, it was enacted, That no Perſon within the City of London, nor within ſeven Miles of the ſame, ſhould take upon them to exerciſe and occupy as Phyſician or Surgeon, except he be firſt examined, approved and admitted by the Biſhop of London and other, under and upon certain Pains and Penalties in the ſame Act mentioned. Sithence the making of which ſaid Act, the Company and Fellowſhip of Surgeons of London, minding only their own Lucres, and nothing the Profit or Eaſe of the Diſeaſed or Patient, have ſued, troubled and vexed divers honeſt Perſons, as well Men as Women, whom God hath endued with the Knowledge of the Nature, Kind and Operation of certain Herbs, Roots, and Waters, and the uſing and miniſtring of them, to ſuch as been pained with cuſtomable Diſeaſes: as Women's Breaſts being ſore, a Pin and the Web in the Eye, Uncomes of Hands, Scaldings, Burnings, ſore Mouthes, the Stone, Strangury, Saucelim, and Morfew, and ſuch other like Diſeaſes: And yet the ſaid Perſons have not taken any Thing for their Pains or Cunning, but have miniſtred the ſame to poor People only for Neighbourhood and God's Sake,

Sake, and of Pity and Charity. And it is now well known, that the Surgeons admitted will do no cure to any Perſon, but where they ſhall know to be rewarded with a greater Sum or Reward then the Cure extendeth unto; for in caſe they would miniſter their cunning unto ſore People unrewarded, there ſhould not ſo many rot and periſh to Death for Lack of Help of Surgery as daily do: but the greater Part of Surgeons admitted, been much more to be blamed then thoſe Perſons that they trouble.

II. For although the moſt Part of the Perſons of the ſaid Craft of Surgeons have ſmall Cunning, yet they will take great Sums of Money, and do little therefore, and by reaſon thereof they do oftentimes impair and hurt their Patients, rather than do them good.

III. In conſideration whereof, and for the Eaſe, Comfort, Succour, Help, Relief and Health of the King's poor Subjects, Inhabitants of this his Realm, now pained or diſeaſed, or that hereafter ſhall be pained or diſeaſed.

It ſhall be lawful for any Perſon to cure outward Sores notwithſtanding the Statute of 3 *H.* 8. 11.

IV. Be it ordained, eſtabliſhed, and enacted by the Authority of this preſent Parliament, That all time from henceforth it ſhall be lawful to every Perſon being the King's Subject, having Knowledge and Experience of the Nature of Herbs, Roots, and Waters, or of the Operation of the ſame, by Speculation or Practiſe within any Part of the Realm of England, or within any other the King's Dominions, to practiſe, uſe and miniſter in and to any outward, ſore, uncome, wound, Apoſtemations, outward Swelling or Diſeaſe, any Herb or Herbs, Oyntments, Baths, Pultes, and Emplaiſters, according to their Cunning, Experience, and Knowledge in any of the Diſeaſes, Sores and Maladies beforeſaid, and all other like to the ſame, or Drinks for the Stone and Stranguary, or Agues, without Suit, Vexation, Trouble, Penalty, or Loſs of their Goods, the foreſaid Statute in the foreſaid third Year of the King's moſt gracious Reign, or any other Act, Ordinance or Statute to the contrary hereof made, in any wiſe notwithſtanding.

CAP. II.

SCHOOLS *and* SCHOOL-MASTERS.

Pag. 1105, *after Stat.* 12 *Annæ*, *Cap.* 9. *inſert this Reference*,

See Stat. 5 Georg. I. Cap. 4. In Supplement TIT. XXV. Cap. III.

AN

APPENDIX

Of INSTRUMENTS, Ancient and Modern,

CONCERNING

I. *The Election, Confirmation, and Conſecration of Biſhops.*

II. *Suffragan Biſhops and Coadjutors.*

III. *The Ordination of Prieſts and Deacons.*

IV. *Cathedral Churches, and the Members thereof.*

V. *Parochial Churches, and Church-yards.*

VI. *Poſſeſſions, and Endowments of Churches.*

VII. *Vacations, Dilapidations, and Repairs.*

VIII. *Inſtitution, and Induction.*

IX. *Reſignation.*

X. *Reſidence.*

XI. *Plurality, and Commendam.*

XII. *Union and Diviſion of Churches.*

XIII. *Curates, and Coadjutors.*

XIV. *Convocation.*

XV. *Viſitation.*

XVI. *Exemption.*

XVII. *Eccleſiaſtical Judges.*

XVIII. *Eccleſiaſtical Officers.*

XIX. *Eccleſiaſtical Cenſures*

XX. *Schools.*

XXI. *Hoſpitals.*

With References to the ſeveral Heads in the foregoing WORK, which each Inſtrument *Explains* or *Confirms*.

AN
APPENDIX
OF
INSTRUMENTS
ANCIENT AND MODERN, &c.

SECT. I.

Election, Confirmation, and Conſecration of Biſhops; with other Matters relating to them.

I. *Bulla* † *Proviſionis Papalis, pro Epiſcopatu.*

Papal Right to *Provide* to Biſhopricks, recited,

† PAULUS Epiſcopus, Servus Servorum Dei, Dilecto Filio Johanni * *Stokyſley* Electo London'. Salutem & Apoſtolicam Benedictionem: Romani Pontificis (quem Paſtor ille Cœleſtis & Epiſcopus Animarum, Poteſtatis ſibi plenitudine traditâ, Eccleſiis prætulit univerſis) plena vigiliis ſolicitudo requirit, ut circa cujuſlibet Eccleſiæ Statum ſic vigilanter excogitet, ſicque proſpiciat diligenter, quòd Eccleſiis ſingulis Paſtor accedat idoneus, & Rector providus deputetur, qui Populum ſibi commiſſum per ſuam Circumſpectionem providam & Providentiam Circumſpectam, ſalubriter dirigat & informet, ac Bona Eccleſiæ ſibi commiſſæ non ſolùm gubernet utiliter, ſed etiam multimodis afferat Incrementum. Dudùm ſiquidem Proviſiones Eccleſiarum omnium apud Sedem Apoſtolicam tunc vacantium, & in anteà vacaturarum, Ordinationi & Diſpoſitioni noſtræ reſervavimus; Decernentes extunc irritum & inane, ſi ſecus ſuper hiis per quoſcunque, quâvis Auctoritate, ſcienter vel ignoranter, contingeret attemptari: Poſtmodum verò Eccleſia Lond'. ex eo quòd nuper nos Venerabilem Fratrem noſtrum Cuthbertum, Epiſcopum Dunelmenſ'. tunc Lond'. licet abſentem, à vinculo, quo dictæ Eccleſiæ cui tunc præerat tenebatur, de Fratrum noſtrorum Conſilio & Apoſtolicæ Poteſtatis plenitudine, abſolventes, ipſum, ad Eccleſiam Dunelmenſem tunc certo modo vacantem, de ſimili Conſilio dictâ Auctoritate tranſtulimus, præficiendo ipſum illi in Epiſcopum & Paſtorem apud ſedem prædictam, Paſtoris ſolatio deſtitutam: Nos ad Proviſionem dictæ Eccleſiæ London'. celerem & felicem, de quâ nullus præter nos hâc vice ſe intromittere potuit, ſive poteſt, Reſervatione & Decreto obſiſtentibus ſupradictis, nè Eccleſia ipſa London'. longæ Vacationis exponatur incommodis, paternis & ſolicitis Studiis inten-

—and nullity of all other Nominations.

† Pag. 65. 107.

† Tertius.
* In ejus Regiſtro, f. 5, a.

Proviſion to *London*, with Advice of the Cardinals,

intendentes, poſt Deliberationem, quam de præficiendo eidem Eccleſiæ London'. Perſonam utilem & fructuoſam cum fratribus noſtris habuimus diligentem, Demùm ad Te, Presbyterum Lincolnienſ'. Magiſtrum in Theologiâ, Vitæ & Morum honeſtate decorum, in ſpiritualibus providum & temporalibus circumſpectum, aliiſque multiplicium Virtutum meritis, prout fide dignorum teſtimoniis accepimus, inſignitum; [* & pro quo chariſſimus in Chriſto Filius noſter, Henricus Angliæ Rex Illuſtris, nobis ſuper hoc per ſuas Literas humiliter ſupplicavit,] direximus oculos noſtræ mentis: Quibus omnibus debitâ Meditatione penſatis, de Perſonâ tuâ, Nobis & iiſdem Fratribus ob tuorum exigentiam Meritorum acceptâ, eidem Eccleſiæ London'. de ſimili ipſorum Fratrum Conſilio, Auctoritate prædictâ, Providemus: Téque illi in Epiſcopum præficimus & Paſtorem, Curam & Adminiſtrationem ipſius Eccleſiæ London'. Tibi in Spiritualibus & Temporalibus plenariè committendo, in illo qui dat gratias & largitur præmia. Confidentes, quod dirigente Domino Actus tuos, præfata Eccleſia London'. ſub tuo felici Regimine regetur utiliter & proſperè dirigetur; ac grata in iiſdem Spiritualibus & Temporalibus ſuſcipiet Incrementa. Jugum igitur Domini tuis impoſitum humeris, promptâ Devotione ſuſcipiens, Curam & Adminiſtrationem prædictas ſic exercere ſtudeas ſolicitè, fideliter & prudenter, quòd Eccleſia ipſa Gubernatori provido, & fructuoſo Adminiſtratori gaudeat ſe commiſſam: Túque, præter æternæ Retributionis præmium, noſtram & dictæ Sedis Benedictionem & Gratiam exinde uberiùs conſequi merearis. Dat'. Bononiæ, Anno Incarnationis Dominicæ milleſimo quingenteſimo triceſimo quinto, Kal. Aprilis, Pontificatûs noſtri Anno ſecundo. 1535.

* Clauſula inſolita.

—and Charge to the Biſhop *Provided.*

II. *Reſtitutio Spiritualium, ſuper Proviſione Papali.*

Pag. 65. 107.

The Keeper of the Spiritualties,

—upon the Proviſion of a new Biſhop,

—ſhall deliver to him the Regiſters, *&c.*

—reſerving to the Archbiſhop, to finiſh what is begun.

† HENRICUS permiſſione divinâ *Cant.* Archiepiſcopus, ~~totius~~ *Angliæ* Primas & Apoſtolicæ ſedis Legatus, Dilecto in Chriſto Filio, Magiſtro *David Price* Offic'. noſtro & Cuſtodi Spiritualitatis Civitatis & Dœc'. London'. per Nos, pro tempore Vacationis ſedis Epiſcopalis ibidem deputato, ſalutem gratiam & benedictionem. Cum ſanctiſſimus in Chriſto pater, & Dominus noſter, Dominus *Eugenius* Divinâ Providentiâ Quartus, de perſonâ venerabilis Fratris noſtri Domini * Roberti, nuper Decani Eccleſiæ Cathedralis Eborum'. London'. Eccleſiæ electi, per mortem Domini † Roberti ultimi Epiſcopi ibidem vacantis ac Paſtoris ſolatio deſtitutæ, auctoritate Apoſtolicâ * providerit, ipſumque illi præfecerit in Epiſcopum & Paſtorem; Vobis Committimus & mandamus, firmiter injungentes, quatenùs omnia & ſingula Regiſtra & Munimenta, ſpiritualitatem dictarum Civitatis & Diœc'. concernentia, & in manibus veſtris exiſtentia, eidem Venerabili fratri noſtro, Domino Roberto nunc London'. Epiſcopo, ac ejus Miniſtris, Procuratoribus, ac Deputatis, plenariè liberetis & liberari faciatis, eundémque Venerabilem Fratrem noſtrum Dominum Robertum, ac ejus Officiarios & Miniſtros in Spiritualibus dictarum Civitatis & Diœceſ'. liberè adminiſtrare & de eiſdem diſponere permittatis. Poteſtate Corrigendi, Puniendi, & Reformandi Crimina, Exceſſus, & Defectus quæcunque quorumcunque ſubditorum dictarum Civitatis & Diœceſ'. pro tempore Vacationis hujuſmodi comperta & detecta, nec non levandi & colligendi ea quæ ad nos ratione vacationis prædict' pertinent, ſeu quoviſmodo pertinere poterunt de conſuetudine vel de jure, cæteráque exequendi, faciendi & exercendi, quæ de Prærogativâ & Jure Eccleſiæ noſtræ Cant'. in hac parte pertinere dinoſcuntur, nobis ſpecialiter reſervatis. Datum in Manerio noſtro de Lambehithe, Viceſimo nono die Menſis Octobris, Anno Domini Milleſimo quadrageſimo Triceſimo Sexto, Et noſtræ Tranſlationis Anno Viceſimo Tertio. 1436.

† Chichley.

* Gilbert, Reg. f. 1. a.
† Fitz.-Hugh.
* De quâ Proviſione conſtare ſolebat *Archiepiſcopo* per Literas à Papâ ſibi directas; quarum auctoritate commiſit Epiſcopo Spiritualia, præſtitis prius ſeparatim Juramentis Obedientiæ, ſedibus *Romanæ*, & *Cantuarienſi.*

III. *Significatio Mortis Epiſcopi.*

Id. f. 221. a.

The Dean and Chapter of *Lichfield* ſignify the Death of their Biſhop to the Archbiſhop, to whom the Juriſdiction is devolv'd,

—and pray him to appoint one of their Body to be Guardian of the Spiritualties, who ſhall be accountable for the Profits.

REverendo in Chriſto Patri ac Domino ſuo, Domino Archiepiſcopo Cant.' totius Angliæ Primati, & Sedis Apoſtolicæ legato: Veſtri humiles & devoti, Johannes de Melborne Locum-tenens Domini Decani, & Capitulum Eccleſiæ Lich'. omnimodas Reverentias & Honores quantas ſciunt & poſſunt tanto Patri debitas cum omni Recommendatione humillimâ. Reverendæ Pat' & Dnæ Cariſſimæ Reverentiæ veſtræ innoteſcat, Eccleſiam noſtram Lich'. per obitum recolendæ Memoriæ Domini Rogeri nuper ejuſdem Eccleſiæ Epiſcopi, ad præſens vacare & deſolatam eſſe paſtore, ſicque Cuſtodia & Adminiſtratio Spiritualium ex conſuetudine (ut dicitur) ad Paternitatem veſtram Reverendam Sede vacante eſt devoluta: Veſtram igitur Dominacionem Paternalem Reverendam cum ea quâ decet Reverentia ſupplicamus humilitèr, & devotè preces quantas poſſumus infundentes, quatinus ad evitand' Mala & Pericula quæ aliàs Nobis & Eccleſiæ noſtræ Lich'. interim contingere poſſent, hujuſmodi Cuſtodiam & Adminiſtrationem Spiritualium alicui vel aliquibus de Collegio noſtro, qui præmiſſa nomine & Vice veſtris valeat ſeu valeant exercere, Vobis de Fructibus & Proventibus ex dicta Spiritualitate interim obvenientibus prout juſtum fuerit & rationabile,

bile, reſpondendo, committere dignemini ſi placet, de veſtris benignitate & gratia ſpeciali. Et quid inde duxeritis faciend'. ſeu ordinand'. Nos, ſi placet, per diſcretum Virum Magiſtrum Rich'. de Goule, Con-canonicum noſtrum & Confratrem, præſentium Delatorem, reddere velitis certiores. Ad Eccleſiæ Regimen Ille per quem Reges regnant, & Potentes ſcribunt Juſtitiam, curet continuare veſtros Annos in proſperitate votiva feliciter duraturos. Script'. Lichen.' in Feſto ſanctæ Katerinæ Virginis per veſtros ſi placet Clericos Locumtenentem Decani & Capitulum Eccleſiæ Lich'.

Pag. 109.

IV. *Conge d'Eſlire.*

Regiſt. Teniſ. f. 15. a.

GULIELMUS Tertius, Dei Gratiâ Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, Fidei Defenſor, &c. Dilectis nobis in Chriſto Decano & Capitulo Eccleſiæ noſtræ Cathedralis Lincoln' Salutem. Ex parte veſtrâ Nobis eſt humiliter Supplicatum, ut cum Eccleſia prædicta, * per Tranſlationem Reverendiſſimi in Chriſto Patris *Thomæ Teniſon*, nuper Epiſcopi Lincoln'. ad Archiepiſcopatum Cantuarienſem, jam vacat, & Paſtoris ſit Solatio deſtituta, Alium vobis eligendi in Epiſcopum & Paſtorem Licentiam noſtram † Fundatoriam vobis concedere dignaremur; Nos, precibus veſtris in hac parte favorabiliter inclinati, Licentiam illam Vobis tenore præſentium duximus concedendam: Rogantes, ac in Fide & Dilectione quibus nobis tenemini præcipientes, quod talem Vobis eligatis in Epiſcopum & Paſtorem, qui Deo devotus, Nobiſque & Regno noſtro utilis & Fidelis exiſtat. In cujus rei Teſtimonium has literas noſtras fieri fecimus Patentes. Teſte meipſo apud Weſtm'. viceſimo quinto die Januarii, Anno regni noſtri Sexto. 1694.

* Vel, *per Mortem*, &c.

† Non in Brevibus Hen. 8.

The Dean and Chapter having notified the Vacancy,

—are directed to chuſe another.

Pag. 109.

V. *Letters Miſſive.*

Regiſt. Teniſ. f. 15. a.

WILLIAM R. Truſty and well beloved, We greet you well. Whereas the Biſhoprick of *Lincoln* is, at this preſent, void by the Tranſlation of the moſt Reverend Father in God Dr. *Thomas Teniſon* late Biſhop there, to the Arch-biſhoprick of *Canterbury*; We let you weet, That for certain Conſiderations Us at this preſent moving, We of our Princely Diſpoſition and Zeal being deſirous to prefer unto the ſame See a Perſon meet thereunto; and conſidering the Virtue, Learning, Wiſdom, and other the good Gifts wherewith the Reverend *James Gardiner*, Doctor in Divinity, and Subdean of our Cathedral Church of *Lincoln* aforeſaid, is endued; We have been pleaſed by theſe our Letters to name and recommend him unto You, to be elected and choſen to the ſaid Biſhoprick of *Lincoln*: Wherefore We Require you, upon Receipt thereof, to proceed to your Election, according to the Laws of this our Realm and our *Conge d'Eſlire* herewith ſent unto you, and the ſame Election ſo made to Certifie unto Us under your Common Seal. Given under our Sign, at our Palace at *Weſtminſter*, the Twenty Fifth day of *January*, in the Sixth year of our Reign. 1694.

A particular Perſon recommended;

—who ſhall be choſen and certified.

Pag. 110.

VI. *Literæ Patentes, ſuper* Aſſenſu *Regio.*

Regiſt. Teniſ. f. 12 a.

GULIELMUS Tertius, Dei Gratiâ Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, Fidei Defenſor &c. Reverendiſſimo in Chriſto Patri ac Prædilecto & perquàm fideli Conſiliario noſtro, ac Domino Domino Thomæ Providentiâ Divinâ Cantuar' Archiepiſcopo, totius Angliæ Primati & Metropolitano, ac aliis quibuſcunqne Epiſcopis quorum in hac parte intererit, Salutem. Cùm, Vacante nuper ſede Epiſcopali Lincoln' per veſtram Tranſlationem ad Archiepiſcopatum Cant'. prædict' ad humilem Petitionem Decani & Capituli Eccleſiæ noſtræ Cathedralis Lincoln'. prædict'. Eiſdem per Literas noſtras Patentes Licentiam noſtram conceſſerimus alium ſibi Eligendi in Epiſcopum & Paſtorem Sedis prædictæ, ac Iidem Decanus & Capitulum, vigore & obtentu Licentiæ noſtræ prædictæ, Dilectum nobis in Chriſto *Jacobum Gardiner*, Sacræ Theologiæ Profeſſorem, ſibi & Eccleſiæ prædictæ Elegerunt in Epiſcopum & Paſtorem, prout per Literas ſuas Sigillo eorum communi Sigillatas, Nobis inde directas, pleniùs liquet & apparet: Nos, Electionem illam acceptantes, eidem Electioni Regium noſtrum Aſſenſum adhibuimus & adhibemus pariter & favorem. Et hoc vobis tenore præſentium ſignificamus: Rogantes, ac in Fide & Dilectione quibus nobis tenemini firmiter præcipiendo mandantes, quatenus vos eundem *Jacobum Gardiner* in Epiſcopum & Paſtorem Eccleſiæ Cathedralis Lincoln'. prædictæ ſic, ut præfertur, Electum, Electionemque prædictam, Confirmare, & eundem Epiſcopum & Paſtorem Eccleſiæ Cathedralis Lincoln'. prædictæ Conſecrare, cæteràque omnia & ſingula facere, peragere, & perimplere, quæ veſtro in hac parte incumbunt Officio Paſtorali, juxta formam Legum & Statutorum Regni noſtri Angliæ in hac parte edit'.

The King, upon the Return of an Election of a new Biſhop,

—gives the Royal Aſſent,

—and directs the Archbp. to Confirm, Conſecrate, *&c.*

& proviſ'. velitis, cum Diligentiâ, favore, & effectu. In cujus rei Teſtimonium, has Literas noſtras fieri fecimus Patentes. Teſte meipſo apud Weſtmonaſter'. Primo Die Martii, Anno Regni noſtri Septimo. 1694.

VII. *Licentia Generalis facta Archiepiſcopo Eboracenſi ut poſſit confirmare & conſecrare ſuos Epiſcopos Suffraganeos infra Provinciam Cantuarienſem.*

General Licence to the Archbiſhop of *York* to confirm and conſecrate Biſhops,

— in any Church, Chapel, or Oratory, within the Province of *Canterbury*;

— Saving the Rights of the Archbiſhop and Church of *Canterbury*.

Park. part 1. f. 228. b.

MATTHEUS Permiſſione divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Venerabili Confratri noſtro, ac Reverendiſſimo Patri, Domino Thomæ eâdem Permiſſione Eboracenſi Archiepiſcopo, Angliæ Primati & Metropolitano, Salutem, & fraternam in Domino Charitatem. Ut quaſcunque Electiones de Perſonis quorumcunque in Epiſcopos & Paſtores quarumcunque Eccleſiarum Cathedralium veſtræ Eboracenſis Provinciæ factas & celebratas, juxta Juris & Statutorum hujus Regni Exigentiam approbare & confirmare, eiſdemq; Perſonis omnibus & ſingulis, ſic ut præmittitur, electis & confirmatis, Munus Conſecrationis (adhibitis de more & Ritu Eccleſiæ Anglicanæ in hac parte adhibendis) impendere in quâcunque Eccleſia, Capella, ſive Oratorio, per Provinciam noſtram Cantuarienſem ubilibet conſtitutis, quocunque Die congruo, & ad veſtrum Arbitrium eligendo, liberè & licitè poſſitis & valeatis, Licentiam & Facultatem noſtras hac Vice impartimur, & concedimus per Præſentes, in contrarium facientibus non obſtantibus quibuſcunque Juribus noſtris Archiepiſcopalibus; & Eccleſiæ noſtræ Metropoliticæ Chriſti Cantuarien'. prædictæ Dignitate & Honore in omnibus ſemper ſalvis. In cujus Rei Teſtimonium, Sigillum noſtrum præſentibus apponi fecimus. Dat' in Manerio noſtro de Lambehith 26 Die Menſis Februarii, Anno Domini juxta 1560.
Computationem Eccleſiæ Anglicanæ, 1560; Et noſtræ Conſecrationis Anno ſecundo.

VIII. *Actus Confirmationis.*

Pag. 111.

The Archbiſhop, or his Commiſſary, finding the Election duely made,

— and the perſon duely qualified,

— Confirms it, and commits to the new Biſhop, the Adminiſtration of the Spiritualties.

Regiſt. Teniſ. f. 18. b.

IN Dei Nomine, Amen: Auditis, viſis, & intellectis, ac plenariè, & maturè diſcuſſis per Nos *Georgium Oxenden*, Legum Doctorem, Reverendiſſimi in Chriſto Patris, ac Domini Domini *Thomæ* Providentiâ divinâ Cantuarienſis Archiepiſcopi, totius Angliæ Primatis & Metropolitani Vicarium in Spiritualibus generalem & Officialem principalem, ad infra ſcripta legitimè fulcitum, Meritis & Circumſtantiis cujuſdam Negotii Confirmationis Electionis de perſonâ Reverendi Viri *Jacobi Gardiner*, Sacræ Theologiæ Profeſſoris, Eccleſiæ Cathedralis Sanctæ Mariæ Lincolnienſis Sub-Decani, in Epiſcopum & Paſtorem Eccleſiæ Cathedralis prædictæ jam electi, factæ & celebratæ; quod coram Nobis in Judicio aliquamdiu vertebatur & pendebat, vertiturq; adhuc & pendet indeciſ.' Rimatoque primitùs per Nos toto & integro proceſſu in hujuſmodi Confirmationis Negotio habito & facto, ac diligenter recenſito, Servatiſq; per Nos de Jure & Statutis hujus Regni Angliæ in hac parte ſervandis; ad noſtræ ſententiæ diffinitivæ, ſive noſtri finalis Decreti, prolationem in hujuſmodi Negotio ferendi, ſic duximus procedendum fore & procedimus in hunc qui ſequitur modum: QUIA per acta, inactitata, deducta, allegata, propoſita, exhibita pariter & probata, coram nobis in hujuſmodi Confirmationis Negotio, comperimus luculenter & invenimus Electionem prædictam per Decanum & Capitulum Eccleſiæ Cathedralis Sanctæ Mariæ Lincoln.' prædict' de præfato Reverendo Epiſcopo Electo, Viro utiq; provido & diſcreto, vitâ & moribus meritò commendatis, liberæ conditionis, & in matrimonio legitimo procreato, atq; in ætate legitimâ & in ordine Sacerdotali conſtituto, rite & legitime factam & celebratam fuiſſe & eſſe, Nihilq; eidem Domino Electo de Inſtitutis Eccleſiaſticis obviâſſe ſeu obviare, quo minus in Epiſcopum Sedis prædictæ, Authoritate quâ fungimur, meritò debeat Confirmari: Idcircò, Nos *Georgius Oxenden*, Legum Doctor, Judex antedictus, attentis præmiſſis, & aliis virtutum meritis, quibus idem Reverendus Vir Dominus Epiſcopus Electus fide digno commendatur teſtimonio, Chriſti nomine primitùs invocato, ac ipſum ſolum Deum oculis noſtris præponentes & habentes, deq; & cum conſilio Juriſperitorum cum quibus in hac parte communicavimus, præmemoratam Electionem de eodem Reverendo Viro *Jacobo Gardiner*, Sacræ Theologiæ Profeſſore, ad Epiſcopatum Lincoln.' factam & celebratam, Authoritate quâ fungimur, Confirmamus, Defectúſq; quoſcumque in dicto Electionis Negotio intervenien.' (ſi qui forſan ſint) quantum in Nobis eſt & de jure poſſumus, ſupplentes Supplemus, ipſiq; Domino Epiſcopo Electo & Confirmato Curam, Regimen, & Adminiſtrationem Spiritualium dicti Epiſcopatûs Lincoln.' committimus, ipſúmq; vel Procuratorem ſuum legitimum ejus nomine & pro eo, in realem, actualem, & corporalem poſſeſſionem ejuſdem Epiſcopatûs, Juriúmque, Dignitatum, Honorum, Privilegiorum, & Pertinentium ſuorum Univerſorum, Inducendum, Inſtallandum, & Inthronizandum fore, per Archidiaconum Cantuarienſem, ejúſve Deputatum, juxta Eccleſiæ Cathedralis Sanctæ Mariæ Lincoln.' prædictæ Morem & Conſuetudinem laudabilem & approbatam (Legibus & Statutis hujus Regni Angliæ non obverſantibus) etiam pronuntiamus, decernimus, & declaramus, per hanc noſtram Sententiam,

tentiam Definitivam, ſive hoc noſtrum finale Decertum; quam ſive quod ferimus & promulgamus in his Scriptis.

IX. *Advocatio, ſive* Optio, *ſuper Confirmatione Epiſcopi.*

Pag. 125.

† Wynnyſſe. 2 Laud. inter Act. Confirmationis.

The Archbiſhop being Entitled to a Patronage upon Confirmation,

OMnibus Chriſti Fidelibus, ad quos hoc præſens Scriptum pervenerit, † *Thomas* permiſſione Divinâ Lincoln.' Epiſcopus, Salutem in Domino Sempiternam, ac fidem indubiam præſentibus adhiberi. Cùm tam de antiquâ, laudabili, longéque & legitimè præſcriptâ Conſuetudine, hactenùs per Tempus hominum memoriam ſuperans inconcuſsè uſitatâ & obſervatâ, quam etiam de Singulari Prærogativâ Eccleſiæ Metropoliticæ Chriſti Cantuarienſis, fuerit & ſit indultum, uſitatum, & obſervatum; Quòd Archiepiſcopus Cantuarienſis pro tempore exiſtens cuilibet Suffraganeorum in Epiſcopum alicujus Eccleſiæ Cathedralis ſuæ Cantuarienſis Provinciæ Electo, ſtatim poſt Confirmationem Electionis hujuſmodi unum Clericum idoneum nominare & præſentare poſſit, cui idem Electus Confirmatus tenebitur (quamprimùm facultas ſe obtulerit) in ſuâ Eccleſiâ Cathedrali de Dignitate, Canonicatu, & Præbendâ, ſeu de alio competenti Beneficio Eccleſiaſtico providere, ac interim dictum Clericum ad Dignitatem, Canonicatum, & Præbendam, ſeu Beneficium hujuſmodi, ſic promovendum, acceptare & admittere, nec non ſibi penſionem annuam ſufficientem conſtituere, tantiſper ſolvendam & impendendam, quouſque eidem Clerico de aliquâ Dignitate, Canonicatu, & Præbendâ, vel alio competenti Beneficio hujuſmodi ſufficienter fuerit cautum & proviſum: Sciatis igitur, Nos præfatum *Thomam* Lincoln.' Epiſcopum antedictum, Jura, Libertates, Conſuetudines, & Prærogativam Eccleſiæ Metropoliticæ Chriſti Cantuarienſis prædictæ (prout tenemur) pro poſſe noſtro adimplere volentes, ex cauſis & conſiderationibus prædictis, ac in plenam Satisfactionem earundem dediſſe, conceſſiſſe, & confirmâſſe Reverendiſſimo in Chriſto Patri & Domino Domino Gulielmo, Providentiâ Divinâ Cantuarienſi Archiepiſcopo, totius Angliæ Primati & Metropolitano, Executoribus & Aſſignatis ſuis, primam & proximam Advocationem, Nominationem, Præſentationem, liberámque diſpoſitionem & Jus Patronatûs, Archidiaconatûs, ſive Dignitatis Archidiaconalis Lincoln.' in Eccleſiâ noſtrâ Cathedrali Beatæ Mariæ Virginis Lincoln.' fundati, noſtrorum Patronatûs & diſpoſitionis exiſtentis, quandocunque & quamprimùm dictum Archidiaconatum ſive Dignitatem Archidiaconalem per mortem, reſignationem, ceſſionem, dimiſſionem, permutationem, privationem, vel aliquo alio quocunque modo, primò & proximò poſt datum præſentium vacare contigerit, pro unica vice proximáque vacatione ejuſdem tantùm: Habendum & tenendum dictam advocationem, nominationem, præſentationem, liberamque diſpoſitionem, & Jus Patronatûs, Archidiaconatûs, ſive Dignitatis Archidiaconalis Lincoln.' prædict.' ſic (ut præfertur) primò & proximò vacaturi, prænominato Reverendiſſimo Patri Domino Gulielmo Cantuarienſi Archiepiſcopo, Executoribus, & Aſſignatis ſuis, ad libitum ſuum, Authoritate præſentium, quamcumque perſonam idoneam ad Archidiaconatum ſive Dignitatem Archidiaconalem prædictam, utcunque vacare contingentem, pro unicâ vice tantùm nominare & præſentare, ac Literas Nominationis & Præſentationis de prædicto Archidiaconatu ſive Dignitate Archidiaconali Lincoln·' cuicunque perſonæ idoneæ hujuſmodi facere & concedere, ac omnia & ſingula alia facere, exercere & perimplere, quæ in præmiſſis ſeu eorum aliquo neceſſaria fuerint ſeu quomodolibet opportuna; adeo plenè, liberè & integrè, ac in tam amplis modo & formâ, prout nos præfatus Epiſcopus faceremus ſeu facere poſſemus, ſi hæc præſens noſtra Commiſſio ſive Confirmatio inde facta non fuiſſet. Et ſi contigerit hanc noſtram Donationem ſive Conceſſionem, ratione forſan alicujus prioris Donationis ſive Conceſſionis, per nos aut † Prædeceſſores noſtros inde factæ, ſeu quâvis aliâ de causâ vel occaſione, pro primâ & proximâ Vacatione dicti Archidiaconatûs ſive Dignitatis Archidiaconalis, ſuum debitum non ſortiri effectum, Tunc & in eo caſu volumus & concedimus pro nobis & Succeſſoribus noſtris quòd hæc præſens Donatio ſive conceſſio noſtra ſeſe extendat ad ſecundam, ac etiam in caſu ſimili ad Tertiam Vacationem dicti Archidiaconatûs ſive Dignitatis Archidiaconalis: Ita quòd Jus patronatûs dicti Archidiaconatûs ſive Dignitatis Archidiaconalis Lincoln'. ad Nos & Succeſſores noſtros anteà non revertetur, donec & quouſque una aliqua perſona idonea, authoritate præſentium, ad præſentationem prædicti Reverendiſſimi Patris, Executorum, & Aſſignatorum ſuorum, ad prædictum Archidiaconatum ſive Dignitatem Archidiaconalem Lincoln'. pro unicâ vice tantùm fuerit admiſſa, ac in eodem Canonicè inſtituta; necnon in realem, actualem & corporalem poſſeſſionem ejuſdem, Juriúmque, Membrorum, & pertinentium ſuorum univerſorum Inducta pacificè & quietè. In cujus rei Teſtimonium, Sigillum noſtrum Epiſcopale præſentibus apponi fecimus. Datum primo die menſis Martii, Anno Domini (Stylo Angliæ) milleſimo ſexcenteſimo quadrageſimo primo, Regnique Sereniſſimi in Chriſto Principis & Domini noſtri Domini Caroli, Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, Fidei Defenſoris, &c. Anno decimo ſeptimo, Et noſtræ Conſecrationis Anno primo. 1641.

—the Biſhop Confirm'd, aſſigns one to him, his Executors, *&c.*

—for one turn only,

—and, in caſe the *next* Turn happen to be hindred, then for any other.

† Hodiè Conceſſio Advocationis per Prædeceſſorem non arctat Succeſſores.

X. *De Citatione Comprovincialium ad Conſecrationem Epiſcopi.*

Pag 111.

Biſhop of *London*, is directed to cite all the Biſhops to a Conſecration;

* Peccham, f. 86 b. & alibi frequenter.

FRater * J. &c. permiſſione divinâ Cant. Archiepiſcopus, totius Angliæ Primas, Venerabili in Chriſto Fratri Domino Richardo Dei gratiâ London'. Epiſcopo, Salutem, & ſinceram in Domino Caritatem. Quia Dominicâ proximâ ante Feſtum S. Michaelis prox. ventur'. in Eccleſiâ noſtrâ Cantuar'. Venerabilem Virum Magiſtrum Thomam Electum Roffen'. habemus, volente Domino, in Eccleſiæ ejuſdem Epiſcopum conſecrare; Fraternitati veſtræ committimus & mandamus, quatenus hoc idem omnibus & ſingulis Fratribus & Co-epiſcopis noſtris denunciantes, Citetis eoſdem ut dictâ die præfatæ Conſecrationi interſint, ad Dei gloriam, & ipſius Conſecrandi Solatium & Honorem. Quid autem circa hoc feceritis, nobis dictis die & loco, ad quos pro prædictâ causâ Vos etiam Citamus, per veſtras Patentes Literas, harum continentes ſeriem, fideliter Intimetis. Valete in Chriſto ſemper, & Virgine glorioſâ. Dat'. apud Aldington, Nonis Auguſti, anno Domini, 1283. Ordinationis noſtræ quinto.

— and to appear himſelf.

1283.

XI. *Excuſatio de non veniendo ad Conſecrationem Epiſcopi.*

Pag. 111.

A Biſhop, who was hindred from attending a Conſecration, ſends his Excuſe, —and gives his aſſent.

† Winchelſey.

* Baudak, Regiſtr, f. 27. a.

REverendo in Chriſto Patri, Domino † Roberto Dei gratia Cantuar'. Archi-Epiſcopo, totius Angliæ Primati, * Radulphus permiſſione Divinâ London'. Epiſcopus, Salutem & obediendi promptitudinem cum omni reverentia & honore. Quia Conſecrationi Venerabilis Viri Fratris Johannis *de Ketene*, Dei gratiâ Elienſ.' Electi Confirmati, die Dominicâ prox'. poſt Feſtum Sancti Egidii Abbatis, in Eccleſiâ veſtrâ Cantuar'. intereſſe non poſſumus, arduis noſtris & Eccleſiæ noſtræ negotiis legitimè præpediti; eidem Conſecrationi Canonicum, tenore præſentium, præbemus aſſenſum; Paternitatem veſtram humiliter implorantes quatenùs abſentiam noſtram in hac parte paterno affectu habere dignemini, ſi libeat, excuſatam: & hæc Fratribus, & Comprovincialibus Epiſcopis noſtris, tenore præſentium volumus eſſe nota. In cujus rei teſtimonium &c.

1310.

XII. *Licentia de Conſecrando Epiſcopum, alibi quàm in Eccleſiâ Cathedrali Cantuarienſi.*

Recites the Right of the Church of *Canterbury*, to have all the Biſhops of the Province Conſecrated in that Cathedral,

Arund. part 1. f. 12, b.

REverendiſſimo in Chriſto Patri, & Domino Domino Thomæ Dei Gratiâ *Cantuarienſi* Archiepiſcopo, totius *Angliæ* Primati & Apoſtolicæ Sedis Legato, veſtri humiles & devoti, *Thomas*, ſi placet, prior & Capitulum Eccleſiæ veſtræ *Cantuarienſis*, Obedientiam, Reverentiam, & Honores debit.' tanto Patri. Licèt glorioſus Martyr *Thomas*, qui pro Libertate Eccleſiæ veſtræ *Cantuarienſis* glorioſo meruit coronari Martyrio, & nihilominùs Beatiſſimus *Edmundus* Confeſſor, & Prædeceſſores veſtri, Favore benevolo indulſerint, providéque ſtatuerint, Conſecrationes Suffraganeorum quorumlibet Eccleſiæ veſtræ *Cantuarienſis* memoratæ in veſtra Eccleſia *Cantuarienſi* & non alibi præſentialiter celebrari debere niſi de communi Conſenſu totius Capituli *Cantuarienſis* gratioſè fuerit optentum quod aliquis alibi quam in veſtra Eccleſia prædicta valeat conſecrari, ſit id ipſum Eccleſiæ veſtræ per Sedem Apoſtolicam privilegialiter indultum, nec non de antiqua & approbata Conſuetudine hactenus habitum & optentum, quibus in nullo volumus, prout nec debemus, per Dei Gratiam in aliquo derogari; ut tamen venerabilis Amicus noſter & dilectus in Chriſto Magiſter *Ricardus Clifford Wigornienſis* Eccleſiæ Electus & Confirmatus à vobis, Pater Reverendiſſime, extra Eccleſiam veſtram *Cantuarienſem* valeat conſecrari, quatenus in nobis eſt noſtrum ad hoc damus Conſenſum pariter & Aſſenſum; ratum habituri & gratum quicquid per vos actum conceſſum ſeu expeditum fuerit in præmiſſis, cæteriſque Juribus Libertatibus & Conſuetudinibus Eccleſiæ veſtræ *Cantuarienſis* in omnibus ſemper ſalvis.

—and diſpenſes in a particular Caſe.

In cujus Rei Teſtimonium Sigillum noſtrum commune præſentibus appoſuimus.

Datum in Domo noſtrâ Capitulari primo Die *Octobris* Anno Domini Milleſimo CCCC^{mo} primo.

1401.

XIII. *Actus Conſecrationis.*

Pag. 115.

Purſuant to the Royal Aſſent, and Mandate,

Regiſtr. Teniſ. f. 19, a.

DIE Dominico, Decimo die Menſis Martii, Anno Domini, Stylo Angliæ, Milleſimo Sexcenteſimo Nonageſimo Quarto, & Tranſlationis Reverendiſſimi in Chriſto Patris ac Domini Domini *Thomæ* Providentiâ Divinâ Cantuarienſis Archiepiſcopi totius Angliæ Primatis & Metropolitani, anno primo; In Capellâ dicti Reverendiſſimi Patris, infra Manerium ſuum de Lambeth, in Comitatu Surriæ ſituatâ, Idem Reverendiſſimus

rendiſſimus Pater, Vigore & Authoritate Literarum Commiſſionalium Sereniſſimi in Chriſto Principis ac Domini noſtri Domini *Gulielmi* tertii, Dei Gratiâ Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, Fidei Defenſoris, &c. Sibi in hac parte direct.' Aſſiſtentibus ſibi Reverendis in Chriſto Patribus, *Henrico* London.' *Petro* Winton.' *Willielmo* Covent' & Lichen', & *Thomâ* Roffen', reſpectivè Epiſcopis, Munus Conſecrationis Venerabili Viro *Jacobo Gardiner*, Sacræ Theologiæ Profeſſori, in Epiſcopum & Paſtorem Eccleſiæ Cathedralis Lincoln' electo & confirmato, (præſtito per eum Juramento de Fidelitate & Allegiantiâ dicto Sereniſſimo Domino Regi debit.' ac de recuſando, refutando, & renunciando omni & omnimodæ Juriſdictioni, Poteſtati, & Authoritati Foraneis, juxta vim, formam & effectum Statuti Parliamenti hujus inclyti Regni Angliæ in ea parte editi & proviſi, ac de reverentiâ & obedientiâ prænominato Reverendiſſimo Patri Domino Archiepiſcopo Cantuarienſi, & Eccleſiæ Cathedrali & Metropoliticæ Chriſti Cantuarienſi debitis & adhibendis; obſervatis inſuper & adhibitis Ritibus, Circumſtantiis & Ceremoniis, de Uſu moderno Eccleſiæ Anglicanæ in eâ parte ſervandis & adhibendis, juxta modum & formam deſcript.' in Libro Intitulato, *The Form and Manner of making and conſecrating Biſhops, Prieſts, and Deacons)* realiter impendebat, ipſúmque in Epiſcopum Conſecravit; in præſentiâ mei Thomæ Tyllott Notarii Publici: præſentibus tunc & ibidem Venerabilibus Viris Johanne Knighton, Thoma Green, & Radulpho Barker, Sacræ Theologiæ Profeſſoribus, Briano Fairfax Leg' Doctore, Henrico Sanderſon Ar. Radulpho Snow Notario Publico, Regiſtrario Principali præfati Reverendiſſimi Patris Domini Archiepiſcopi Cantuarien.' Georgio Paſk Gen.' Roberto Chapman & Thomâ Rouſe, Notariis Publicis, Almæ Curiæ Cantuar.' de Arcubus London' Procuratorum Generalium duobus, cum diverſis aliis, *&c.*

—and after neceſſary Oaths taken,

—the Archbiſhop Conſecrates the Biſhop Elect and Confirmed.

1694.

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XIV. *Mandatum pro Inſtallando Epiſcopum.*

Regiſt. Teniſ. f. 24, b.

THOMAS, Providentiâ divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, ad infra ſcripta authoritate Parliamenti hujus inclyti Regni Angliæ (mediantibus Literis Commiſſionalibus Patentibus Sereniſſimi in Chriſto Principis, ac Domini Domini noſtri Gulielmi Tertii, Dei Gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei Defenſoris *&c.*) ſufficienter & legitimè fulcitus, venerabili Viro Domino Archidiacono Cantuarienſi ejuſve Deputato, Salutem & Gratiam. Cum, vacante nuper ſede Epiſcopali Ciceſtren.' per mortem naturalem Reverendi Patris *Roberti Grove*, ultimi Epiſcopi & Paſtoris ibidem, Decanus & Capitulum Eccleſiæ Sanctæ Trinitatis Ciceſtrenſis (Licentiâ Regiâ priùs in ea parte petitâ & obtentâ) Reverendum Virum *Johannem Williams*, ſacræ Theologiæ Profeſſorem, in eorum, & dictæ Eccleſiæ Cathedralis ſanctæ Trinitatis Ciceſtrenſis, Epiſcopum & Paſtorem elegerint, & Eccleſiæ Cathedrali prædictæ de eodem providerint; quam quidem Electionem, & Perſonam ſic electam (ſervatis de jure & ſtatutis hujus Regni Angliæ in ea Parte ſervandis,) Nos Archiepiſcopus antedictus, Authoritate quâ fungimur, Confirmaverimus, & eidem confirmato Curam, Regimen, & Adminiſtrationem Spiritualium dicti Epiſcopatûs Ciceſtrenſis commiſerimus, Ipſumq; Dominum Epiſcopum electum & confirmatum, ſeu Procuratorem ſuum legitimum, ejus nomine & pro eo, in realem, actualem & corporalem Poſſeſſionem dicti Epiſcopatûs Ciceſtrenſis prædicti, Juriumq; Dignitatum, Honorum, præheminentium, & pertinentium ſuorum univerſorum, inducendum, inſtallandum, & inthronizandum fore decreverimus, Juſtitiâ mediante: Vobis igitur firmiter præcipiendo mandamus, quatenus præfatum Reverendum Patrem Dominum Epiſcopum electum & confirmatum, ſeu Procuratorem ſuum, ejus nomine & pro eo, in realem, actualem & corporalem Poſſeſſionem dicti Epiſcopatûs, Juriúmq; Pertinentium, Dignitatum, Honorum, & præheminentium ſuorum univerſorum Inducas, Inſtalles, & Inthronizes, ſeu ſic induci, inſtallari & inthronizari facias, cum Effectu; Cathedramque ſive Sedem Epiſcopalem in Eccleſiâ Cathedrali Sanctæ Trinitatis Ciceſtrenſis prædict' Epiſcopo ibidem aſſignari ſolitam & conſuetam, ſic uti moris eſt Aſſignes, & eum in nomine Domini noſtri Jeſu Chriſti imponas ſeu imponi facias, prout decet: Juribus & Conſuetudinibus noſtris & noſtræ Eccleſiæ Cathedralis & Metropoliticæ Chriſti Cantuar.' Dignitatibus & Honoribus in omnibus ſemper ſalvis. In cujus rei Teſtimonium, ſigillum Vicarii noſtri in ſpiritualibus Generalis præſentibus apponi fecimus. Dat' decimo Die Decembris, Anno Domini Milleſimo Sexcenteſimo Nonageſimo Sexto, Noſtræq; Tranſlationis anno ſecundo.

The Biſhop being Confirmed, *&c.*

—and decreed to be Inſtalled,

—the Archdeacon of *Canterbury* ſhall accordingly Inſtall him,

1696.

XV. *Mandatum ad Inſtallandum Epiſcopum, vacante Archidiaconatu* Cantuarienſi.

Pag. 118.

The Archdeaconry of *Canterbury* being Vacant,

† Reynolds, Regiſtr. f. 144. b.

WALTERUS, permiſſione divinâ &c. Dilecto filio Magiſtro Willelmo de Knapton Archidiacono Suthfolc'. Salutem, gratiam, & Benedictionem. Cùm de Conſuetudine laudabili, & hactenùs pacificè obtentâ, ad Archidiaconum Cant.' qui pro tempore fuerit, ſpecialiter pertineat, quoſcunque Epiſcopos noſtræ Cant.' Provinciæ in ſuis Sedibus ponere & intronizare, ſitque Archidiaconatus Cant.' per mortem bonæ memoriæ Domini Cardinalis de Ruff.' ultimi Archidiaconi ejuſdem, in cuſtodiâ noſtrâ ſpeciali, ac Intronizatio Venerabilis Fratris noſtri, Domini Willelmi Dei gratiâ Norwic.' Epiſcopi, de novo immineat facienda; Nos, de veſtrâ fidelitate & prudentiâ circumſpectâ plenam in Domino fiduciam obtinentes, ad Intronizandum & in ſedem ſuam ponendum Dominum Epiſcopum ſupradictum, & omnia alia & ſingula faciendum, quæ circa hoc neceſſaria fuerint ſeu opportuna, Vobis vices noſtras committimus per præſentes: Vobis inſuper, ſub pœnâ majoris Excommunicationis ſententiæ firmiter injungentes, quatenùs infra unius menſis ſpacium à tempore Intronizationis hujuſmodi continuè numerand.' Nos diſtinctè & apertè certificetis quid feceritis in præmiſſis, per Literas veſtras Patentes, habentes hunc tenorem. Dat.' apud Lambeth, 14 Kal. Januar.' anno Domini 1325. 1325.

—the Inſtallment is performed by a Commiſſary of the Archbiſhop.

XVI. *Citatio ſuper Negligentiâ in non pulſandis Campanis, tranſeunte Archiepiſcopo.*

2Chich. f. 294, a.

H. &c. Dilectis in Chriſto Filiis Domino *Galfrydo Fylyngden* ac Domino *Philippo Luton* Eccleſiarum Sancti *Petri* in Villa Sancti *Albani* & de *Watteford* noſtræ *Cantuarien'* Provinciæ Vicariis perpetuis, Salutem Gratiam & Benedictionem. Licet nos jam pridem per Eccleſias prædict' ob certas Cauſas Eccleſiæ & Provinciæ noſtræ *Cantuarien'* utiles & neceſſarias Tranſitum facientes, vobis & cuilibet veſtrûm ad comparend' coram nobis certis Die & Loco, Cauſam rationabilem, Si quam pro vobis oſtendere poteritis, quare Eccleſias veſtras ob non Pulſationem Campanarum in Tranſitu noſtro per eaſdem prout Prædeceſſoribus noſtris ubicunque per Provinciam noſtram prædictam ab antiquo fieri conſuevit, ſuſpendere minime debeamus, propoſitur.' & allegatur.' Tibi (videlicet) *Galfredo* Diem Lunæ proximum poſt Feſtum Sancti *Ægidii* proxime jam elapſi, ac tibi *Philippo* Diem Lunæ proximum poſt Feſtum Nativitatis Beatæ *Mariæ* Virginis proxime jam futurum ubicunque in Civitate Dioc.' vel Provincia noſtra *Cantuarien'* tunc fuerimus, Terminum præfiximus competentem, nos tamen ex certis Cauſis nos moventibus Terminos Comparitionum veſtrarum prædictarum uſque in tertium Diem juridicum poſt Feſtum Sancti *Michaelis* proximum futurum ubicunque in Civitate Dioc.' vel Provincia noſtra prædict' tunc fuerimus, Tenore præſentium prorogamus. In cujus &c. Dat' in Manerio de *Langley Marreys* ſecundo Die Menſis *Septembris* Anno Domini 1414. 1414.

XVII. *Excuſatio per Archiepiſcopum de mittendo Mandata Epiſcopis, per alium quàm Epiſcopum* London'.

The Archbiſhop takes notice of the *ſudden Occaſion* there was to write to the Biſhops,

Peckh. f. 99. a.

EXcellentiſſimo Principi &c, Frater I, &c. cum totius Hominis Salute Reverentiam in omnibus & Honorem. Cauſam ſuborti Periculi in Partibus *Walliæ*, noſtram non minùs quàm veſtræ Excellentiæ reputantes; ſcribimus in Formâ nobis Dominationis veſtræ Literis inſinuatâ, & rigidius, noſtræ Provinciæ Epiſcopis univerſis, parati in hoc Negotio & ſimilibus omnem Opem & Operam impendere, quam Vires noſtræ quæcunque coram Deo & Hominibus ſufficiunt exhibere; & quamvis ea quæ Communitati proficiunt, per *London'*. Epiſcopum noſtris ſoleant Coepiſcopis demandari, qui Epiſcoporum Decanus eſſe dinoſcitur; Nos tamen majoris Celeritatis proceſſum, eſſe in hac Parte neceſſarium æſtimantes, Majeſtati veſtræ potiùs decrevimus ad præſens Literas hujuſmodi deſtinare, per Imperii veſtri Nuncios Epiſcopis aſſignandas, quos jam à ſuis Sedibus credimus receſſiſſe, juxta Præfixionem quam eis fecimus, ut nobis occurrant *Londini*, trium Hebdomadarum poſt Paſcha Periodo revolutâ, quàm vagis Nunciis eoſdem requirere; præſertim, quia indubitanter credimus, ipſos ex juſſu veſtro mandatis noſtris expeditiùs parituros. Valeat igitur & vigeat Dominatio veſtra pro qua ſummo Imperatori Domino die noctuque aſſiſtimus, ei Preces licet fragiles & indignas, nec dignas Memoria tamen quas poſſumus in Pectoris Spiritu offerentes. Dat' apud *Clyſt* juxta *Exon.* Kal. Apr. 1281. 1281.

—and excuſes diſpatching it by the King's Meſſengers, and not by the Biſhop of *London*, as uſual.

XVIII. *Ordinatio*

XVIII. *Ordinatio Vicariæ per Archiepiſcopum, Sede Epiſcopali plená, ſuper Inquiſitione factâ ejus Authoritate, Sede vacante.*

Winch. 194. a. ROBERTUS Permiſione &c. Dilecto Filio Vicario Domini Coventriæ & Lichen' Electi, ipſo in remotis agente, Salutem, Gratiam & Benedictionem. Quia ſuper Negotio Augmentationis Vicariæ Eccleſiæ de Sheneſton dictæ Dioceſeos moto, nuper Sede prænotatâ vacante, inter Vicarium Loci ejuſdem ex Parte unâ, & Abbatem & Conventum Monaſterii de Oſeneye dictam Eccleſiam in uſus proprios optinentes ex altera, de Valore & Oneribus tam Rectoriæ quam Vicariæ Eccleſiæ prænotatæ, in Partium prædictarum preſentia, & de ipſarum Aſſenſu, fecimus per Viros idoneos non ſuſpectos veritatem inquiri, juxta quam Inquiſitionem ſi Vacatio ſupradicta durâſſet, finis per nos fuiſſet impoſitus Negotio memorato; Vobis committimus & mandamus quatenùs factum noſtrum hujuſmodi continuantes, juxta Inquiſitionem præmiſſam quam vobis ſub Sigillo noſtro incluſam tranſmittimus, aſſignatâ dicto Vicario Portione idoneâ quæ ad ſui Suſtentationem & Onera ſibi incumbentia ſubportanda ſufficiat, memorato Negotio finem debitum celeriter imponatis: Aſſignavimus etenim Partibus antedictis ſecundum Diem Juridicum poſt Feſtum Sancti Jacobi Apoſtoli coram vobis, ubicunque tunc in Diœceſi prænotata fueritis, ad faciendum & recipiendum in dicto Negotio, cum Continuatione & Prorogatione Dierum, uſque ad ipſius Negotii Expeditionem finalem, quod Juſtitia ſuadebit, de præmiſſis quoque nos certificetis idoneè cum ſuper hoc fueritis congruè requiſiti. Dat' apud Meighefend, iii Non.' Julii, Conſecrationis noſtræ Anno ſecundo.

XIX. *Citatio Decani & Capituli Exon.' ad oſtendendum Cauſam quare non debent comparere in Domo Capitulari ad ſubeundam Viſitationem Archiepiſcopi, Sede vacante.*

Courteney f. 105. a, b. WILLMUS &c. Permiſſione divinâ &c. Dilecto in Chriſto Filio Magiſtro Hugoni Hicklyng præcentori, & Seneſcallis Scacarii Eccleſiæ Exonien.' noſtræ Eccleſiæ Cantuarienſis Suffraganeæ, Salutem, &c. Licet Dilecti in Chriſto Filii magiſtri Thomas Cary, Martinus Lercedekine, & Johnes Barton, pro Canonicis & Præbendariis dictæ Exonien.' Eccleſiæ ſe gerentes fuerint fiend', cæterique ipſius Eccleſiæ Canonici, ac etiam alii Dignitates in eâdem Exon' Eccleſiâ obtinentes, ad comparend' coram nobis in Domo Capitulari prædictæ Eccleſiæ, certo Die competenti jam effluxo, Viſitationem noſtram metropoliticam in prædictâ Exon' Eccleſiâ per nos actualiter inchoatam, cum continuatione dierum ſequentium, canonicè ſubitur.' ac titulos ſeu jura ſua, quibus mediantibus Canonicatus & Præbendas in dictâ Eccleſiâ (ut aſſeritur) fuerunt & ſunt aſſecuti, & obtinent, oſtenſur.' primitus evocati, & ad nonnullos alios dies elapſos ad idem per nos de Gratia expectati, prædicti tamen Thomas, Martinus, & Johannes, nec per ſe nec per alios coram nobis hactenus comparere ſufficientèr, nec titulos ſuos hujuſmodi exhibere ſeu oſtendere curaverunt; nos igitur ex hoc viſibiliter præſumentes ipſos in dictis Canonicatibus & Prebendis titulos non habere, nec ipſi, aut aliquis Nomine ſuo, ſeu quivis alius cui de Jure non competit, ad ipſarum Præbendarum fructus Redditus & Proventus manus interius occupantes extendant, ipſos omnes & ſingulos providimus ſequeſtrandos, prout tenore præſentium actualitèr ſequeſtramus: Quocirca vobis con^{im} & div^{im} committimus & mandamus, quatenus Sequeſtrum noſtrum hujuſmodi, ubi & quando expedire videritis, ut convenit publicantes, & ad eorum quorum ſpecialiùs intereſt notitiam deducentes, fructus Redditus & Proventus hujuſmodi ſub arto & ſalvo ſequeſtro cuſtodiatis; prout de eiſdem veſtro volueritis periculo reſpondere, donec aliud à nobis habueritis in Mandatis. Citetis inſuper, ſeu citari faciatis peremptoriè, præfatos Thomam, Martinum & Johannem perſonaliter, ſi valeant apprehendi, ſin autem, Procuratores ſuos, ſi quos dimiſerint, alioquin in Stallis eorum, juxta morem Eccleſiæ prædictæ; & nihilominus publicæ Citationis Edicto in dictâ Eccleſiâ Exon' propoſito: factâ inſuper publicâ denunciatione ad ſingulas Domus Habitationum ſuarum, eorum Canonicatibus & Præbendis hujuſmodi pertinentes, ac etiam amicis notis & familiaribus ſuis; præſentiſque Mandati noſtri copiâ ſuper majus altare ejuſdem Eccleſiæ dimiſſâ, & in ipſius Eccleſiæ valvis affixâ, adeo quod hujuſmodi Citatio ad eorum Notitiam viſibiliter valeat pervenire, quod compareant, & quilibet eorum compareat, coram nobis in Domo Capitulari prædicta 18° die menſis Aprilis prox' futur', Titulos ſeu Jura, ſi quos vel quæ in dictis Canonicatibus & Præbendis habeant, ſeu habeat eorum aliquis, ut præfertur, ſinguli ſingularitèr prout ad ipſos pertinet pro Termino peremptorie & præciſo exhibitur'. alioquin Cauſam rationabilem, ſi quam habeant, quare pro non titulis ipſorum Thomæ, Martini, & Johannis, in dictis Canonicatibus & Præbendis, prout quiſquam eorum in mora ſeu culpa fuerit exhibend', per nos pronunciari, & ipſi ab eiſdem Canonicatibus & Præbendis, cum ſuis Juribus & Pertinentiis univerſis, finaliter & definitive & actualiter amoveri in debita Juris forma propoſitur'. Facturique ulterius, & recepturi in præmiſſis & ea concernentibus, quod Juſtitia ſuadebit. Denunciantes eiſdem quòd, ſive tunc venerint, ſive non, in & ſuper præmiſſis procedere intendimus juxta omnem Juris effectum, eorum abſentia non obſtante. De die receptionis præſentium, Citationis veſtræ modo & forma executionis earum, nec non de omnibus & ſingulis quæ feceritis in præmiſſis, Nos dictis die & loco diſtinctè & apertè certificetis Literis veſtris patentibus hunc tenorem habentibus, ſigillo authentico conſignatis. Dat' in Domo Capitulari 28 die menſis Maii Anno Domini 1384. Et noſtræ Tranſlationis tertio. 1384.

XX. *Breve Regis pro Juriſdictione Archiepiſcopali, vacante Sede Epiſcopali* Exon'.

Witleſ. f. 134, 2. EDWARDUS Dei Gratia Angliæ & Franciæ Rex, Dominus Hiberniæ; Dilecto nobis in Chriſto Capitulo Eccleſiæ Exon', jam per mortem Johannis bonæ memoriæ nuper ibidem Epiſcopi vacantis, Salutem. Ad nos relatum eſt, quod quanquam Juriſdictio Epiſcopalis cum omnibus ad eandem pertinentibus, tam dictæ Eccleſiæ & Epiſcopi Exon', quam aliarum Eccleſiarum Cathedralium & Epiſcoporum infra Provinciam Eccleſiæ Metropoliticæ Cantuarien', tempore Vacationis dictarum Eccleſiarum Cathedralium & Epiſcoporum, ad dictam Eccleſiam Cantuarien' & Archiepiſcopum ejuſdem qui pro tempore fuerit pertineat, & de Jure pertinere debeat; quam Juriſdictionem Epiſcopalem, cum omnibus ſuis pertinentibus, dictus Archiepiſcopus & Prædeceſſores ejuſdem Archiepiſcopi Cantuarien' habuerunt & exercuerunt, à tempore cujus contrarii memoria non exſtat; quemadmodum omnibus notorie liquet. Vos tamen, vacante jam per mortem dicti nuper Epiſcopi Exon', Eccleſia & Epiſcopatu Exon' prædict', temerè & injuſtè Juriſdictionem ibidem uſurpâſtis, in grave præjudicium dicti Archiepiſcopi, ſtatûſque ſui, ac ad exheredationem Eccleſiæ ſuæ Cantuarien' antedictæ; id quod nobis mirum eſt viſum, & vehementer diſplicuit: Nos igitur, volentes ut omnibus modis illuſtria & auguſta Privilegia illius Eccleſiæ Cantuarien', quæ eſt totius Regni noſtri Eccleſia primaria, noſtris temporibus inviolata conſerventur, quemadmoum temporibus progenitorum noſtrorum ſunt conſervata, maximè ab eo tempore quo primum Coronationes noſtrorum Progenitorum per dictos Archiepiſcopos Cantuarien' celebrari ceperunt, ut & Succeſſorum noſtrorum impoſterum celebrari debent; Vobis præcipimus & firmitèr injungendo mandamus, ut deinceps omittentes quicquam innovare attemptare aut quacunque ratione facere in præjudicium dicti Archiepiſcopi, aut ad exheredationem Eccleſiæ ſuæ prædictæ, permittatis dictum Archiepiſcopum habere & exercere, per ſeipſum & Miniſtros ſuos, pacificè & quietè, abſque Impedimento veſtro quocunque, Jure Eccleſiæ ſuæ prædictæ, Juriſdictionem Epiſcopalem cum omnibus ab eadem dependentibus infra dictam Eccleſiam & Epiſcopatum Exon', durante tempore præſentis Vacationis ejuſdem, in tam amplis modo & formâ quam dictus Archiepiſcopus eandem habere & exercere debeat, & ille, & ſui Prædeceſſores Archiepiſcopi Cantuarien.' eandem habere & exercere ſolebant, ut ſupra dictum eſt; & quod vos attemptâſtis contra dictum Archiepiſcopum & ſuam Eccleſiam Cantuarien' prædictam, id quam primùm detis operam ut corrigatur, ne ea de re ulteriorem querelam audiamus. Et hoc facere ne negligatis. Dat' ſub privato noſtro Sigillo Weſtm' quinto Auguſti 44 Anno Ed. 3.

SECT. II.

Suffragan BISHOPS, *and* COADJUTORS.

Pag. 134.

I. *Petitio Epiſcopi, pro Suffraganeo habendo.*

Strype, App. p. 40.

The Dioceſan preſents two Perſons to the King,

EXcellentiſſimo & Potentiſſimo in Chriſto Principi & Domino noſtro, Domino *Henrico* Octavo Dei gratiâ *Angliæ* & *Franciæ* Regi, Fidei Defenſori, & Domino *Hiberniæ*, ac in terris Supremo Eccleſiæ *Anglicanæ* Capiti, Veſter humilis Orator & Subditus *Thomas* permiſſione divina *Cantuar.'* Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Omnimodam Reverentiam, & Obſervantiam, tanto principi debitas & condignas, cum omni ſubjectionis honore. Ad ſedem Epiſcopalem de *Doveria* infra *Cantuar.'* Diœc. exiſten.' Dilectos michi in Chriſto *Richardum Yngworth* Priorem Domûs ſive Prioratûs de *Langley* Regis, & *Johannem Codenham*, Sacræ Theologiæ Profeſſores, juxta & ſecundùm vim, formam & effectum Statuti Parliamenti hujus inclyti regni veſtri *Angliæ* in hoc caſu editi & proviſi, veſtræ Regiæ Majeſtati per has literas meas nomino & præſento; ac eidem Majeſtati veſtræ humiliter ſupplico, quatenus alteri eorum (cui veſtra Regia Majeſtas id munus conferend.' præoptaverit) titulum, nomen, ſtylumq; & dignitatem Epiſcopalem ac Suffraganeam ad Sedem prædictam miſericorditer conferre, Ipſumque mihi præfato Archiepiſcopo infra cujus Diœc.' & Provinciam Sedes antedicta conſiſtit, per literas veſtras Patentes regias intuitu charitatis punctare, michique mandare, dignetur veſtra regia Majeſtas, quatenus ipſum ſic nominatum & præſentatum, in Epiſcopum Suffraganeum Sedis prædict.' juxta formam Statuti prædict.' effectualiter conſecrem & benedicam, Cæteraque faciam & exequar in ea parte, quæ ad Officium meum Archiepiſcopale ſpectaverint, ſeu requiſita fuerint in præmiſſis. Vivat denique & valeat in multos annos veſtra regia Celſitudo prælibata, in eo per quem Reges regnant, & Principes dominantur. Dat.' apud *Lambeth* primo die menſis Decembris, Anno Domini milleſimo quingenteſimo triceſimo ſeptimo: Et regni veſtri florentiſſimi viceſimo nono.

—and prays him to appoint one to be a Suffragan, and to direct Conſecration.

1537.

Pag. 135.

II. *Mandatum pro Conſecratione Epiſcopi Suffraganei.*

Burn. App. p. 130.

The King having appointed a Suffragan,

REX, Reverendiſſimo in Chriſto Patri & perdilecto Conſiliario noſtro Thomæ Cantuarienſi Epiſcopo, ſalutem. Reverendus Pater & dilectus Conſiliarius noſter Ricardus Norvicenſis Epiſcopus nobis ſignificavit, quòd Diœceſis ſua Epiſcopi Suffraganei ſolatio, qui ſuæ ſollicitudinis partem ſuſtinere conſuevit, deſtituta eſt & exiſtit; & ideo reverendos Patres Gregorium Abbatem Monaſterii Beatæ Mariæ de Leyſtone, & Thomam Mannynge Priorem Monaſterii Beatæ Mariæ de Butley, Norvicen.' Diœc.' Ordine Sacerdotali ritè inſignitos, & legitimo Matrimonio natos, & in ætate legitima conſtitutos, viroſq; in Spiritualibus & Temporalibus multum circumſpectos, quibus de Canonicis nihil obviant inſtituta, quo minus (ut aſſerunt) ad Epiſcopalem Suffraganei Dignitatem admitti poſſint & deberent, nobis per ſuas literas ſuo magno ſigillo munitas præſentavit; humiliter & devote ſupplicans, quatenus nos alterum ipſorum ſic præſentatorum ad aliquam ſedem Epiſcopi Suffraganei infra Provinciam Cantuarienſem exiſtentem nominare, ipſiq; ſic nominato Stylum, Titulum & Dignitatem hujuſmodi ſedis donare dignaremur: Unde nos ex gratia noſtra ſpeciali & mero motu noſtris, dictum Reverendum Patrem Thomam Mannynge Priorem Monaſterii Beatæ Mariæ de Butley prædict', alterum ex dictis præſentatis, in Epiſcopum Suffraganeum Sedis Gipſvici Norvicen.' Diœceſ.' antedictæ, nominamus, eique Stilum, Titulum & Dignitatem ejuſdem Sedis Epiſcopi Suffraganei damus & conferimus. Atque hæc vobis tenore præſentium ſignificamus, requirentes vos, quatenus eundem Patrem ſic per nos nominatum, in Epiſcopum Suffraganeum ejuſdem Sedis Gipſvici conſecretis, eiq; Benedictionem ac omnia Epiſcopalia Inſignia conferatis; cæteraq; omnia & ſingula, quæ veſtro in hac parte incumbunt officio paſtorali, juxta modum & formam Statuti Parliamenti in viceſimo ſexto Anno Regni noſtri apud Weſtmonaſterium nuper editi, peragetis.

—at the deſire of a Biſhop,

—requires the Archbiſhop to conſecrate him.

1535.

T. R. apud Weſtm. 6. die Martii 27. Regn.

III. *Conſecratio Epiſcopi Suffraganei.*

Pag. 135.

The Biſhop Suffragan is Conſecrated by the Archbiſhop;

Regiſtr. Cranm. f. 203. b.

DIE Dominico, nono die menſis Decembris, Anno Domini Milleſimo quingenteſimo triceſimo ſeptimo, Regni verò Illuſtriſſimi Principis & Domini noſtri Domini Henrici Octavi, Dei Gratiâ Angliæ & Franciæ Regis, fidei Defenſoris, & Domini Hiberniæ, ac in terris ſub Chriſto Eccleſiæ Anglicanæ Capitis ſupremi, anno viceſimo nono; in quodam ſacello infra veſtibulum Eccleſiæ Cathedralis Divi Pauli London.' Reverendus Pater Dominus Johannes London.' Epiſcopus, virtute literarum Commiſſionalium Reverendiſſimi Patris Domini Thomæ Cantuarienſis Archiepiſcopi &c. Metropolitani, eidem Reverendo Patri per venerabilem virum Magiſtrum *Johannem Cookis* Legum Doctorem, ipſius Reverendiſſimi Patris Vicarium in ſpiritualibus Generalem, & Officialem Principalem, præſentatarum, Aſſiſtentibus ſibi Reverendis patribus *Johanne* Roffen.' & *Roberto* Aſſaven.' Epiſcopis, debitâ cum ſolemnitate impendebat munus Conſecrationis Religioſo Viro *Richardo Yngworth*, ſacræ Theologiæ Profeſſori, Priori Domûs ſive Prioratûs de Langley-Regis ad ſedem *Suffraganeam Dovorienſem*, Cantuarien.' Diœc.' in præfatis literis Patentibus prædicti Illuſtriſſimi Principis ſpecificè nominato (præſtito primitùs per eundem Juramento Corporali, tactiſque per eundem ſacroſanctis Dei Evangeliis, juxta tenorem Juramenti ſpecificati in quodam Statuto Parliamenti in ea parte Editi:) eidemque benedixit, ac in Epiſcopum Suffraganeum Conſecravit, eidemque Inſignia Epiſcopalia, debitâ cum Reverentiâ, contulit: Præſentibus Venerabili & Egregio Viro Magiſtro *Nicholao Wilſon* Sacræ Theologiæ Profeſſore, *Ricardo Ewar*, *Roberto Hyxden*, *Mauricio Griffith*, & *Johanne Longe*, Clericis; ac *Thomâ Argall* Notario Publico, nonnulliſque aliis in multitudine copioſâ.

—having firſt taken the due Oaths.

1537.

IV. *Commiſſio Suffraganei.*

Pag. 135.

Commiſſion of a Suffragan,

Strype's Append. f. 41.

THOMAS Permiſſione divinâ Cant.' Archiepiſcopus totius *Angliæ* Primas & Metropolitanus, Venerabili Confratri noſtro Domino *Richardo* Dei Gratiâ Sedis *Doveriæ* noſtræ Diœceſeos Cant.' Suffraganeo, Salutem, & fraternam in Domino Charitatem. De tuis Fidelitate & Circumſpectionis Induſtria plenam in Domino fiduciam obtinentes, ad Confirmandum ſacri chriſmatis unctione pueros quoſcunque infra Civitatem & Diœc.' noſtras Cant.' & Juriſdictiones noſtras, & Eccleſiæ noſtræ Chriſti Cant.' immediatas, ac Juriſdictionem noſtram villæ *Caliſiæ*, & marchias ejuſdem ſub obedientia Excellentiſſimi Principis, & Domini noſtri, Domini *Henrici* Octavi Dei Gratiâ *Angliæ* & *Franciæ* Regis, Fidei Defenſoris, & Domini *Hiberniæ*, ac in terris ſub Chriſto Eccleſiæ *Anglicanæ* Capitis Supremi, ubilibet conſtituti; Necnon Altaria, Calices, Veſtimenta, & alia Eccleſiæ ornamenta quæcunque & ea concernen.' benedicend.' locaque profana ſi quæ inveneris, de quibus te inquirere Volumus, à divinorum Celebratione legitimè ſuſpendend.' Eccleſias etiam & Cœmiteria ſanguinis vel ſeminis effuſione polluta forſan vel polluenda reconciliand.' Eccleſias & altaria noviter ædificata conſecrand.' Omnes Ordines minores quibuſcunque Civitatis, Diœceſeos, & Juriſdictionum noſtrarum prædictarum ipſos ordines à te recipere volentibus & ad hoc habilibus, ac jurejurando de reununtiando Romano Epiſcopo & ejus auctoritati, ac de acceptando Regiam Majeſtatem pro Supremo Capite Eccleſiæ Anglicanæ juxta Statuta hujus regni in hac parte edita ab eiſdem ordinandi, & eorum quolibet per te primitus recepto, conferendi: Ac etiam oleum ſanctum chriſmatis & ſacræ unctionis conſecrandi: Cæteraque omnia & ſingula, quæ ad Officium Pontificale in præmiſſis, vel aliquo præmiſſorum quoviſmodo pertinent, vel pertinere poterunt, faciend.' exercend.' & expediend.' tibi tenore præſentium * committimus vices noſtras, & plenam in Domino poteſtatem. Téque quoad præmiſſa Suffraganeum noſtrum ordinamus & præficimus per præſentes; donec eas ad nos duxerimus revocand.' Et ut Officium tuum hujuſmodi poſſis in præmiſſis liberius exercere, Univerſis & ſingulis Decanis, Rectoribus, Vicariis, Capellanis, Curatis, & non Curatis, Clericis & Apparitoribus quibuſcunque in Virtute ſacræ [ſuæ] obedientiæ firmiter tenore præſentium injungendo mandamus, quatenus tibi in præmiſſis & quolibet præmiſſorum ſint obedientes, aſſiſtentes, & intendentes in omnibus, prout decet. In cujus rei teſtimonium, ſigillum noſtrum præſentibus eſt appenſum. Dat.' in Manerio noſtro de *Lamehith*, Decimo Die Decembris, Anno Domini milleſimo quingenteſimo triceſimo ſeptimo, & noſtræ Conſecrationis Anno quinto.

—to Confirm Children,

—to Conſecrate Altars, *&c.*

—to confer the Leſſer Orders.

* Such Commiſſion, as the Biſhop ſhall think requiſite, reaſonable, and convenient, p. 136.

1537.

V. *Conſtitutio* Coadjutoris *Epiſcopo Adminiſtrationis incapaci.*

Pag. 137.

The Archbiſhop finding the Biſhop of *Lichfield* infirm, and uncapable to

† Peccham, Regiſtr. f. 96, a.

FRATER † J. permiſſione divinâ, &c. Dilecto filio Magiſtro E. Archidiac.' Derb.' Salutem, Gratiam, & Benedictionem. Cum circa ea præcipuè noſtra verſetur Intentio, per quæ Eccleſiarum Indemnitatibus proſpiciatur; & Animarum ſaluti expedit,

nec

nec indignè, tales ad regimen earum aſſumere, quos ad hoc dignos probata Virtutum merita repræſentant: Sanè dudùm, in Coventr.' & Lich.' Diœceſ. Auctoritate Metropoliticâ Viſitationis Officium exercentes, invenimus Venerabilem Fratrem noſtrum, Dom. Rogerum, Dei Gratiâ Coventr. & Lich. Epiſcopum, adeò corporis valetudine detineri, & quorundam Senſuum ſuorum miniſterio deſtitutum, quòd ea quæ ſibi incumbunt ex Officio Paſtorali, nequit per omnia ſalubriter adimplere; Nos autem ipſius compacientes defectibus, ac volentes Paci ſuæ ac quieti, quantum ſecundùm Deum poſſumus, providere; & dictarum Eccleſiarum Indempnitatibus, & animarum ſaluti proſpicere in hac Parte; Te, de cujus Fidelitate & expertâ Induſtriâ confidimus, ipſius Domini Epiſcopi *Coadjutorem*, uſque ad Annum, facimus & conſtituimus per præſentes; ut eidem honeſtè, fideliter, & conſolabiliter tam in ſpiritualibus quàm in temporalibus aſſiſtas, prout ad Coadjutoris officium dinoſcitur pertinere; Non tamen, ut poſt completum Annum te credas ab hujuſmodi Officio abſolutum, ſed ut interim tuam experiamur fidelitatem & conſtantiam circa noſtri & tui honoris procurand.' Incrementum; Nec tibi plenum Probationis annum concedimus, quin ſicut te habere viderimus in hâc parte, cum nobis placuerit, & expedire viderimus, prout per tuæ honeſtatis & fidelitatis exercitium inſtructi fuerimus, aliter Ordinemus. Volumus itaque, & præſentium auctoritate ſtatuimus, ut præfatus Dominus Epiſcopus nihil, ſive in Spiritualibus ſive in Temporalibus, præter tuam Conſcientiam vel Conſilium, faciat, ordinet, vel diſponat. Et ſi contingat, quod non credimus, dictum Epiſcopum, te irrequiſito, quicquam notabile vel ſpiritualiter vel temporaliter facere aut aliquatenùs exercere contra Canonicas Sanctiones, illud non tenere decernimus, nec ullius penitùs eſſe momenti; ac te volumus propter hoc ad nos indilatè recurrere, ut circa id Remedium apponamus, quod ſecundùm Deum viderimus opportunum; ad quod etiam te aſtringimus, in virtute præſtiti Sacramenti. Et quia nemo tenetur propriis ſtipendiis militare, tibi de bonis Epiſcopatûs prædicti, pro expenſis, centum marcas annuas ſolvendas, pro rato temporis in quo in prædicto ſteteris Officio, aſſignamus: Salvâ nobis Poteſtate & Juriſdictione plenariâ in præmiſſis, addendi, mutandi, corrigendi, & etiam detrahendi. Tuam igitur Dilectionem monemus in Domino & hortamur, quatenùs circa commiſſum tibi Officium ita te laudabiliter habeas & honeſtè, ut à Deo condignæ Retributionis Præmium expectare valeas, & in Te, diligentiæ tuæ teſtimonio, electionis noſtræ judicium commendetur.

difcharge his Office,

—appoints him a Coadjutor, to be removed at pleaſure,

—without whoſe Advice the Biſhop ſhall not do any thing;

—and to whom he aſſigns a ſalary.

Pag. 137.

VI. *Reprehenſio* Coadjutoris, *ſuper negligentiâ ſui Officii.*

† Iſlip; Regiſtr. 155, a.

The Archbiſhop, finding that the Coadjutor of the Biſhop of *Hereford* neglected his Office,

†SIMON &c. Dilecto filio Magiſtro Thomæ de Trillek, Decano Eccleſiæ Cathedralis Herefordenſis, Salutem, gratiam & benedictionem: Epiſcopalis auctoritas licet magno honore fulgeat, ad regimen tamen Sanctæ Eccleſiæ Patribus Sanctis ſufficere minimè videbatur, niſi Archiepiſcopalem & Metropoliticam ſuperadderent Dignitatem, quæ ſuper Epiſcopos & ejus Suffraganeos intenderet, defectus & exceſſus eorum ſupplens, corrigens, & reformans. Cum ergò, ſicut ex petitione Venerabilis Capituli Eccleſiæ Cathedralis Herefordenſis, & multorum relatione fide dignâ accepimus, cum cordis dolore & amaritudine valdè gravi, quòd dudum Venerabilis Frater noſter Dominus Johannes Dei gratiâ Herefordenſis Epiſcopus, Eccleſiæ noſtræ Suffraganeus, quem Dominus variis virtutum odoribus inſignivit, arreptus adverſâ valetudine, ſicut Deo placuit, quin potiùs ſic oppreſſus, quòd nec ſeipſum, ſicut deceret Pontificem, juvare, nec Officium Paſtorale ſuis incumbens humeris commodiferè poterat exercere; idémque Frater, mentis ſuæ compos, ſentiens per ægritudinis excreſcentiam ſe fore in dies ſuos ſemper fortiùs impeditum, Volens ſibi & Dignitati ſuæ proſpicere; deliberatione providâ, & ſuo conſilio, ac aſſenſu totius Capituli ſui, Vos Germanum ſuum, & tunc dictæ Eccleſiæ ſuæ membrum poſt eum principalius, ſcilicet Decanum Ecoleſiæ ſuæ prædictæ, de veſtrâ circumſpectione, fidelitate, ac fraternâ dilectione confiſus, in ſupportationem oneris ſui, tam quoad regimen Spiritualium quam Temporalium, purè, ſimpliciter ac ſponte ſuâ, juxta Sacrorum Canonum exigentiam, ſibi in *Coadjutorem* legitimè aſſumpſit, vóſque, juxta votum ſuum & Fratrum veſtrorum Capituli prædicti ſic legitime aſſumptus, Officium Coadjutoris hujuſmodi acceptâſtis, & quæ ad idem Officium pertinebant per aliqua tempora exercuiſtis bene & laudabiliter, ſicut decuit tantum virum; ſed poſteà, aut nunc, idem Officium ſicut prius (impedimento prædicto non ceſſante) nullâ cauſâ rationabili ſuffulti, peragere ſicut tenemini penitùs omiſiſtis, quin potius non curâſtis, per ipſum Capitulum ſæpiùs ſuper hoc & cum inſtantiâ debitâ requiſiti: Unde nonnulli, falcem ſuam in meſſem per vos colligendam mittentes, nonnulla bona dicti fratris noſtri (etiam quorum diſtractio à jure prohibetur) nimis voluntariè diſtrahunt, occupant, dilapidant & conſumunt, & alia dampna inferunt & incommoda quæ nimium de ſcandalo patiuntur; tantuſque Prælatus & Germanus veſter decenter non regitur, nec ejus Cura ſalubriter expeditur, prout ſuper hiis quoad ſequentia eſt nobis ſufficiens facta fides. Nos igitur qui dicti Suffraganei noſtri, & veſtri ſui Coadjutoris legitimi, ſumus immediatus Ordinarius ſuperior atque Judex, ac Canonis neceſſarius Executor, Volentes periculis hujuſmodi de cætero præcavere, Vos monemus primò, ſecundò, & tertiò, in hiis ſcriptis, vobis nihilominus in virtute ſanctæ obedientiæ

—and ſuffered the Goods of the Biſhoprick to be waſted,

—Admoniſhes him to be more diligent,

—and to recover the goods.

dientiæ, ac ſub pœnâ ſententiæ Excommunicationis majoris, injungimus & mandamus, quatenùs negligentiam veſtram (non ſolùm Dei timore & caritate fraternali, ſed etiam metu pœnæ quam intendimus vobis infligere, ſi de cætero deſerueritis) à veſtris manibus exuentes, officium Coadjutoris hujuſmodi, ac omnia quæ ad illud attinent, juxta vobis traditam poteſtatem reſumere diligenter, & effectualiter exequi ſtudeatis; prout ſuper hoc in proximo Concilio Cleri noſtræ Cantuarienſis Provinciæ Generali, quod erit die Lunæ poſt Feſtum Converſionis Sancti Pauli prox.' nunc futurum, in Eccleſiâ ſancti Pauli London.' Nobis volueritis veſtro periculo reſpondere. Mandantes inſuper, quatenùs omnes Præſumptores prædictos, & alios quoſcunque vobis in executione Officii veſtri hujuſmodi Rebelles, per Cenſuras Eccleſiaſticas Canonicè compeſcatis; bona nec non ipſius Epiſcopi, & ad ſuam Dignitatem ſpectantia, in cujuſcunque manibus reperta fuerint, ſi non cum promptitudine debitâ Vobis fuerint reſtituta, Auctoritate noſtrâ legitimè ſequeſtretis, & ſub arcto faciatis cuſtodiri ſequeſtro, quouſque vobis plenè reſponſum fuerit ſeu ſatisfactum de eiſdem. Ad quæ omnia & ſingula facienda, & legitimè expedienda, vobis vices noſtras Committimus per præſentes cum cujuſlibet coercionis Canonicæ poteſtate. Et quid feceritis in præmiſſis, ac de nominibus & cognominibus Vobis reſiſtentium ſeu Rebellium prædictorum, ſi qui fuerint, Nos in Concilio memorato Certificetis, per Literas veſtras Patentes harum ſeriem continentes. Dat.' apud Otteford iii° Kalend.' Decembris, Anno Domini Milleſimo CCC^{mo} lix^{no} & noſtræ Conſecrationis decimo. 1359.

SECT. III.

The Ordination of PRIESTS *and* DEACONS.

I. *Facultas Archiepiſcopi pro Celebratione Ordinum, in quâvis Diœceſi.* Prov. Cant.

Pag. 139.

Archbiſhop grants leave to a Biſhop, to Ordain in any Church throughout his Province.

† Parker Regiſtr. Vol. 2. f. 96, b.

† MATTHÆUS, Permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Venerabili Confratri noſtro, Domino Thomæ eâdem permiſſione Divinâ Coven.' & Lichen.' Epiſcopo, Salutem & fraternam in Domino Charitatem. Ut Dilectos nobis in Chriſto *Henricum Weſt* & *Joſiam Halton*, Artium Magiſtros, ad omnes Sacros Ordines in quâcunque Eccleſiâ, Capellâ, ſive Oratorio decenti per Provinciam noſtram Cantuarienſem ubilibet conſtitut.' admittere & promovere; Cæteráque omnia & ſingula alia facere, exercere & expedire, quæ in præmiſſis aut circa ea neceſſaria fuerint ſeu quomodolibet opportuna, liberè & licitè poſſis & valeas, Licentiam & Facultatem noſtras Fraternitati veſtræ benignè concedimus & impertimur per præſentes. In cujus rei Teſtimonium, Sigillum noſtrum præſentibus apponi fecimus. Dat.' decimo ſexto die menſis Maii, Anno Domini Milleſimo quingenteſimo ſeptuageſimo ſecundo. 1572.

II. *Licentia Epiſcopi pro conferendis Ordinibus in ſuâ Diœceſi.*

Pag. 139.

The Biſhop of *London* Licenſes the Biſhop of St. *David*'s to hold Ordinations in the Dioceſe of *London*.

† Baudak, Regiſtr. f. 32. b.

VEnerabili in Chriſto Patri, Domino David Dei gratiâ Epiſcopo Menevenſi, † Radulphus permiſſione Divinâ Epiſcopus London.' Salutem & fraternæ Caritatis continuum Incrementum. Ut Clericos veſtræ Diœceſeos ad Vos accedentes, ac etiam noſtros, per dilectos in Chriſto filios Magiſtrum Willielmum de Meleford Archidiaconum noſtrum Coleceſtren.' & Henricum Barry Rectorem Eccleſiæ de Chelmesford, Veſtræ paternitati nominandos, nec non alios quoſcunque Provinciarum Cant.' & Eborum.' literas dimiſſorias ſuorum Diœceſanorum cum ſufficientibus Titulis vobis exhibentes, ad convenientes ſibi Ordines majores & minores hac inſtanti die Sabbati Quatuor tempor'. primæ Ebdomadæ Quadrageſimæ in Civitate vel Diœceſi noſtrâ London.' ubi commodiùs videritis Vobis expedire, promovere valeatis, Veſtræ Paternitati tenore præſentium, quatenus ad nos pertinet, concedimus Facultatem; has literas noſtras patentes fieri facientes in teſtimonium præmiſſorum. Dat.' apud Stebbenheth viii Idus Martii, Anno Domini Milleſimo trecenteſimo duodecimo. 1312.

III. *Diſpen-*

Pag. 155.

III. *Diſpenſatio, ut poſſit recipere Ordines, non obſtante defectu Natalium.*

* Braybrook, Regiſtr. f. 224, b.

The Biſhop of *London* recites,

UNIVERSIS Chriſti fidelibus præſentes literas inſpecturis, * Robertus permiſſione &c. ſalutem in eo qui eſt omnium vera ſalus. Noverit Univerſitas veſtra, quòd nos literas Reverendiſſimi in Chriſto Patris & Domini, Domini Elzirii miſeratione Divina Tituli Sanctæ Balbinæ Presbyteri Cardinalis, Sanctiſſimi in Chriſto Patris & Domini noſtri, Domini Urbani Divinâ Providentiâ Papæ Sexti, ſummi Pœnitentiarii, reverenter recepimus, tenorem qui ſequitur continentes:

—the Commiſſion directed to him from *Rome*,

Venerabili in Chriſto Patri, Dei gratia Epiſcopo London.' vel ejus Vicario in ſpiritualibus, Elzirius miſeratione Divinâ T. T. Sanctæ Balbinæ Presbyter Cardinalis, Salutem & ſinceram in Domino caritatem. Ex parte *Johannis Exton* Clerici veſtræ Diœceſeos, fuit nobis humiliter ſupplicatum, ut cum eo ſuper defectu natalium quem patitur, de ſoluto genitus & ſolutâ, quòd (eodem non obſtante defectu) ad omnes poſſit Ordines promoveri, & Eccleſiaſticum beneficium obtinere, etiamſi curam habeat Animarum, Sedes Apoſtolica, quam propter guerrarum viarúmq; pericula viſitare non poteſt, miſericorditer diſpenſare dignaretur: Nos igitur auctoritate Domini Papæ, cujus Pœnitentiæ curam gerimus, & de ejus Commiſſione in talibus generaliter nobis factâ, Circumſpectioni veſtræ committimus, quatenùs ſi eſt ita, conſideratis diligenter circumſtantiis univerſis, quæ circa idoneitatem Perſonæ fuerint attendendæ, ſi paternæ non eſt incontinentiæ imitator, ſed bonæ converſationis & vitæ, ſufficientíſq; literaturæ (ſuper quibus veſtram intendimus Conſcientiam onerare) aliáq; ſibi merita ſuffragantur ad hujuſmodi Diſpenſationis gratiam obtinendam, ſuper petitis diſpenſetis miſericorditer cum eodem: Ita tamen quòd idem Clericus, prout requirit onus beneficii quod eum poſt diſpenſationem ipſam obtinere contigerit, ad Ordines ſe faciat, ſtatutis à jure temporibus, promoveri, & perſonaliter reſideat in eodem; alioquin dictæ Diſpenſationis Gratia quoad ipſum beneficium, nullius penitus ſit momenti. Datum Romæ apud Sanctum Mariam in Tranſtiber.' ſub Sigillo noſtro, quo dudum ut Epiſcopus Theatin.' utebamur, Non.' Januarii, Pontificatûs Domini Urbani Papæ Sexti Anno primo.

—to enquire into the Character of one born out of Wedlock,

—in order to Diſpenſation:

—in virtue of which Commiſſion, he enquires,

Poſt quarum quidem literarum receptionem, fuimus per dictum Johannem Exton, in noſtrâ præſentiâ perſonaliter conſtitutum, humiliter & cum inſtantiâ debitâ requiſiti, ut ad executionem ipſarum literarum & contentorum in eiſdem procedere curaremus. Nos igitur Robertus Epiſcopus memoratus, volentes Mandatum hujuſmodi Nobis in hâc parte directum reverenter exequi, ut tenemur, præmiſſarum literarum formâ diligenter inſpectâ & attentâ, ac in omnibus debitè obſervatâ, circumſtantias quaſlibet quæ circa idoneitatem perſonæ dicti Johannis fuerant attendendæ, conſideravimus diligenter, ac ſuper inquirendis in dictis literis, per Teſtes fidedignos, juratos, ac per nos diligenter examinatos, ipſius Johannis plenam notitiam obtinentes, Inquiſitionem fecimus diligentem: Et quia per ipſos Nobis conſtitit, atque conſtat, præfatum Johannem (qui, ut aſſeritur, extitit Clericali militiâ inſignitus) paternæ Incontinentiæ imitatorem non eſſe, ſed fore bonæ Converſationis & vitæ honeſtæ, veritatémque in dictis literis expreſſiſſe, aliáque ſibi merita ſuffragari ad hujuſmodi diſpenſationis gratiam obtinend.' aliúdq; ſibi Canonicum non obſtare; Idcirco cum dicto Johanne, quòd (defectu natalium quem patitur, de ſoluto genitus & ſolutâ, penitùs non obſtante) ad omnes Ordines promoveri, & Beneficium Eccleſiaſticum, etiamſi Curam habeat Animarum, obtinere valeat, Auctoritate dictarum literarum nobis in hac parte commiſſâ, Diſpenſavimus, ac tenore præſentium diſpenſamus. Proviſo, quòd idem Johannes (prout requiret onus beneficii quod ipſum poſt hanc diſpenſationem noſtram obtinere continget,) ad Ordines ſe faciat Statutis a jure temporibus promoveri, & perſonaliter reſideat in eodem; alioquin præſentis diſpenſationis gratia, quoad ipſum beneficium, nullius penitùs ſit momenti. In cujus rei teſtimonium, præſentem noſtrum proceſſum, ſeu præſens publicum Inſtrumentum, per Willielmum Bryan Scribam & Notarium noſtrum infraſcriptum, ſubſcribi & publicari mandavimus, noſtríque Sigilli munimine fecimus roborari. Dat.' & Act.' London.' in Palatio noſtro, ſub anno ab Incarnatione Domini, ſecundùm curſum & computationem Eccleſiæ Anglicanæ, Milleſimo trecenteſimo octogeſimo ſecundo, Indictione ſextâ, die vero xvi menſis Octobris, Pontificatûs Sanctiſſimi in Chriſto Patris & Domini noſtri Domini Urbani Divinâ Providentiâ Papæ Sexti anno . . . . ; præſentibus diſcretis viris &c.

—and Diſpenſes accordingly.

1382.

IV. *Diſpenſatio pro Illegitimè nato, ut poſſit obtinere Dignitatem aut Beneficium.*

Pag. 155.

The Archbiſhop, at the Petition of one born out of Wedlock,

* Juxon. In Lib. Fac.

*GULIELMUS, Providentiâ Divinâ Cantuar.' Archiepiſcopus, &c. Omnibus Chriſti fidelibus ad quos præſens ſcriptum pervenerit, Salutem in Domino ſempiternam. Cùm Vir diſcretus & perdoctus *Edwardus James*, Clericus, Legum Doctor, ſacris Ordinibus inſignitus, vitium Natalium patiatur, & (ut aſſeritur) illegitimè extra verum Matrimonium ſit procreatus; & nobis humiliter ſupplicaverit, ut cum iſto Natalium defectu gratiosè diſpenſemus: Nos ejus honeſto deſiderio favorabiliter inclinantes, & ei in præmiſſis indulgere volentes, iſtam natalium maculam ſive labem (quantum in nobis eſt, & jura hujus Regni patiuntur) tollimus & removemus, & cum eo diſpenſamus; ut quamcunq; Dignitatem, ſive quodcunque Beneficium Eccleſiaſticum, ac ſi eſſet legitimè & in juſto Matrimonio natus, liberè & licitè obtinere & poſſidere valeat. Proviſo tamen, quod hæ Literæ illi non proficiant, niſi per Literas Patentes Regiæ Majeſtatis debitè fuerint confirmatæ. Dat.' ſub Sigillo ad Facultates, ſeptimo die Menſis Aprilis, Anno Domini 1663. & noſtræ Tranſlationis Anno Tertio.

—Diſpenſes with the Illegitimacy and qualifies him for Promotion.

1663.

V. *Literæ Dimiſſoriæ, pro Ordinibus.*

Pag. 142.

Archbiſhop, as Ordinary, grants Letters dimiſſory, to be Ordain'd, where the Perſon was neither born, nor beneficed.

† Winchelſey; Regiſtr. f.203, a. --- Jure Ordinario.

* Vide pag. 144.

†ROBERTUS, permiſſione Divinâ &c. Dilecto Filio Johanni de Bruges, Diacono Rectori Eccleſiæ de altâ Hardres noſtræ Diœc.' Salutem, gratiam & Benedictionem: Ut a * quocunq; Epiſcopo Cantuarienſis Provinciæ, volenti, & de juris permiſſione valenti, ſacras tibi manus imponere, in Presbyterum valeas Ordinari, non obſtante quòd alibi oriundus & in noſtrâ Diœc.' beneficiatus exiſtis, liberam tibi concedimus facultatem. Proviſo tamen, quòd Sacerdotis Officium in noſtrâ Cantuar.' Diœc. quouſque de ordine ſic ſuſcepto nobis extiterit facta fides, nullatenùs exequaris. Dat.' apud Aldington, quinto non.' Octobris anno Domini M° CC° Nonag.' ſexto, Conſecrationis noſtræ Tertio.

1296.

VI. *Diſpenſatio ſuper Ordinibus receptis ſine Literis Dimiſſoriis.*

Pag. 142.

Archbiſhop, as Ordinary, Diſpenſes with one who lived in a Peculiar, and had received Orders in the Dioceſe, without Letters dimiſſory;

† Winchelſey; Regiſtr. f.183, b. --- Jure Ordinario.

†ROBERTUS, permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ, &c. Dilecto filio Willielmo dicto Up de Loventone, Subdiacono, ſalutem, gratiam & benedictionem. Super eo quòd cùm in Ciceſtrenſi Diœceſi, de noſtrâ tamen immediatâ Juriſdictione, Exemptâ videlicet, in Decanatu de Pageham, Te, ſine Cantuarienſis Archiepiſcopi tui Diœceſani licentiâ, procurâſti per London.' Epiſcopum in Ciceſtrenſi Diœceſi, ad rogatum Diœceſani ejuſdem Ordines celebrantem (cui videlicet Ciceſtrenſi Epiſcopo nullo modo fuiſti ſubjectus,) per tuam ſimplicitatem, ut aſſeris, in Subdiaconum Ordinari; credens pro eo quòd in dictâ Ciceſtrenſi Diœceſi traxiſti, ut prænotatur, originem, id tibi licere; in quo tamen ordine, prout aſſeris, nullatenùs poſtmodùm miniſtrâſti: Tuam in hac parte ſimplicitatem & plenitudinem de commiſſo plenius attendentes, ut, dicto non obſtante defectu, miniſtrare valeas in ordine ſic ſuſcepto, & ad ulteriores (dum tamen aliud tibi Canonicum non obſtiterit) prout à nobis humiliter poſtulas, promoveri, tecum compaſſione paternâ miſericorditer diſpenſamus. In cujus rei teſtimonium, has literas noſtras patentes tibi Concedimus, noſtri ſigilli munimine roboratas. Dat.' Cant.' xiij^{mo} Kalend.' Martii Anno Domini milleſimo CC^{mo} Nonageſimo quinto, & Conſecrationis noſtræ ſecundo.

—that he may miniſter, and receive the remaining Orders.

1295.

VII. *Ratificatio Ordinum ſuſceptorum ſine Literis Dimiſſoriis.*

Pag. 143.

Biſhop of *London Ratifies* the Orders of one who had been ordained Prieſt, by another, without Letters dimiſſory.

† Baudak; Regiſtr. f. 33, a.

†RADULPHUS, permiſſione Divinâ London.' Epiſcopus, Dilecto in Chriſto Willielmo de Waledene, noſtræ Diœceſeos Presbytero, ſalutem in Domino: Attendentes, Te per ſimplicitatem & non in contemptum clavium, aliàs tamen ritè, ad Ordinem Presbyteratûs ab alieno Epiſcopo, tui Diœceſani licentiâ non obtentâ, olim fuiſſe & eſſe promotum, ſicut ex parte tuâ nobis pleniùs eſt oſtenſum; Nos, tuæ ſimplicitati in hac parte compati volentes, ad tuam ſupplicationem Nobis ſuper hoc factam, prædictam Ordinis Presbyteralis ſuſceptionem, quantum in Nobis eſt, auctoritate Diœceſanâ duximus ratificandam, & Ratificamus per præſentes; quas tibi Concedimus ſigillo noſtro communitas. Dat. apud Stebbenheth, ij° Non.' Aprilis, Anno Domino M° CCC° Tertiodecimo.

1313.

VIII. *Inhi-*

Pag. 142.

VIII. *Inhibitio Epiſcopo, ſuper Ordinatione ſine Literis Dimiſſoriis.*

* Grindal; Regiſt. f. 144. b.

The Biſhop of *Glouceſter*, having Ordained without Letters dimiſſory,

—is Inhibited from Ordaining any, but of his own Dioceſe.

* EDMUNDUS, Divinâ Providentiâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Venerabili Confratri noſtro Domino *Richardo* permiſſione Divina Gloceſtrenſi Epiſcopo, Salutem, & Fraternam in Domino Charitatem. Cùm (famâ publicâ referente) ad noſtrum nuper pervenit auditum, quòd Fraternitas veſtra nonnullos Clericos penitùs indignos & inidoneos, non ſolùm voſtræ propriæ Diœceſis, verùm etiam aliarum Diœceſium noſtræ Cantuarienſis Provinciæ, abſque aliquibus Licentiis ſive Literis Dimiſſoriis Diœceſanorum ſuorum, aut aliâ quâvis authoritate ſufficienti in eâ parte obtentis, ad Sacros Diaconatûs & Preſbyteratûs Ordines admittere & promovere præſumpſerit, in Eccleſiæ Anglicanæ ac Miniſterii Eccleſiaſtici dedecus & ſcandalum manifeſtum; Nos verò, præmiſſa conniventibus oculis præterire nolentes, ſed ea pro Officii noſtri debito, quantum in Deo poſſumus, reformare cupientes, Fraternitati veſtræ tenore præſentium Inhibemus, ne à die receptionis præſentium, aut Intimationis earundem vobis fiendâ, aliquos Clericos, niſi illos tantum qui in Diœceſi veſtrâ propriâ oriundi, vel ad minus per annum commorantes fuerint & ſint, ad ſacros Diaconatûs vel Preſbyteratûs Ordines admittere aut promovere præſumatis, ſub pœna Contemptûs. In cujus rei Teſtimonium, ſigillum quo in ſimilibus ad præſens utimur, præſentibus apponi fecimus. Dat.' in Manerio noſtro de Lambhith, primo die Menſis Martii, Anno Domini, Juxta Computationem Eccleſiæ Anglicanæ, Milleſimo quingenteſimo ſeptuageſimo quinto, & noſtræ Tranſlationis Anno primo. 1575.

Pag. 140.

IX. *Injunctio Epiſcopo, de ſuſtentando, vel promovendo, à ſe Ordinatum ſine Titulo.*

* Winchelſea; Regiſt. f. 150, b.

Archbiſhop requires the Biſhop of *Bangor*, to maintain, or promote, one whom he had Ordained without a *Title*.

* ROBERTUS &c. Domino A. Dei gratiâ Bangorenſi Epiſcopo, ſalutem. Querelam Elydiz de Bangor Preſbyteri, veſtræ Diœceſeos gravem recepimus; continentem, quòd cum ipſe ad omnes ſacros Ordines ſine certo titulo per vos promotus fuiſſet, ipſi tamen Preſbytero in Eccleſiaſtico beneficio (juxta tenorem ſacrorum Canonum) minimè providere Curâſtis; propter quod, in Cleri opprobrium, compellitur mendicare. Cùm itaque id Epiſcopalem non deceat honeſtatem per diſſimulationem negligere, Fraternitatem veſtram monemus & hortamur in Domino Jeſu Chriſto, quatenùs dicto Preſbytero, in Beneficio Eccleſiaſtico vel aliâ ſuſtentatione competenti, quàm citò optulerit ſe facultas, providere curetis, ne per iteratam Querelam oporteat ad id, exigente juſticiâ, vos compelli. Quid autem feceritis, aut facere decreveritis, in præmiſſis, nos citra feſtum Sanctæ Fidis, &c. Dat' apud Stebenheth, Idus Julii, Anno Domini, &c. 1303.

Pag. 141.

X. *Monitio Executoribus Epiſcopi defuncti, de ſuſtentando Ordinatum ab ipſo, ſine Titulo.*

Winchelſea, Regiſtr. f. 188. a.

The Archbiſhop directs his Official, to deal with the Executors of a Biſhop deceaſed, to allow maintenance to one Ordained by him, without Title; — as a *debt* of the Biſhop.

MAgiſtro W. de Staundon, Officiali noſtro in Coventr.' & Lich. Diœc.' ſede vacante, Salutem, &c. Quia Thomas, dictus Gogun, Presbyter, modò ſine ſuâ culpâ, ut aſſerit, ita prout vidimus debilitatus, quòd tutè celebrare non poteſt, à bonæ memoriæ Rogero nuper Epiſcopo Diœceſeos ſupradictæ, in Presbyterum ſine Titulo extitit Ordinatus; qui jam paupertate depreſſus, & executione ſui Officii ſit caſu fortuito deſtitutus, jam, in Cleri vituperium, cogitur mendicare: volumus & mandamus, ut Executores dicti defuncti excitando ſollicites & inducas, quòd tam dicti defuncti ſuper hoc *debitum*, quàm etiam caritativæ compaſſionis pietatem penſantes, præfato Presbytero, de ſuo victu, per viam aliquam quam potius expedire proſpexerint, pro ſuis juribus faciant provideri, pietatis oculis ad id propenſius intuentes. Vale. Datum apud Tenham, &c. 1296.

Pag. 141.

XI. *Monitio Collegio, de Suſtentando Ordinatum ad ipſorum Titulum.*

* Winchelſea, Regiſtr. f. 294. a.

The Warden and Fellows of *Merton* College, are directed to maintain one Ordained upon their Title,

* ROBERTUS &c. Dilectis Filiis, Cuſtodi & Scholaribus Domûs de Merton, in Oxoniâ, Salutem: Querelam Magiſtri Nicholai de Ovinge, Clerici, recepimus, continentem quòd cùm olim ad Titulum per vos aſſignatum eidem, fuiſſet in Subdiaconum Ordinatus, qui poſtmodùm evictus fuit ab eo; Vos, ad mandatum noſtrum, nè mendicare in Cleri opprobrium cogeretur, intra ſocietatem veſtram admiſiſtis benignè, & ſibi neceſſaria miniſtrâſtis, donec de beneficio Eccleſiaſtico commodè providere poſſetis;

— or to ſhew Cauſe.

eidem viſcera miſericordiæ ipſi totaliter præcludendo: Alioquin citamus vos, tenore præſentium peremptoriè, quatenus ſufficienter compareatis coram nobis ſecundo die juridico poſt feſtum Nativitatis Sancti Johannis Baptiſtæ, ubicumque &c. propoſituri & oſtenſuri quare ad faciendum præmiſſa vos compellere minime debeamus; de die verò &c.

XII. *Monitio ſuper Solvendâ Penſione conceſſâ (ut videtur) per modum* Tituli.

Pag. 141.

Complaint having been made to the Archbiſhop, that one who had given a *Title* of 5 *l. per Ann.* would not pay it,

* Winchelſea, Regiſtr. f. 149, b.

*ROBERTUS &c. Domino L. Dei gratiâ Aſſaven.' Epiſcopo. Accedens ad nos Anianus de Campo aureo, Capellanus, veſtræ Diœceſeos, ut aſſerit, oriundus, humiliter nobis intimavit, quòd cùm quædam Conventio licita & honeſta fuiſſet, decennio fere elapſo, inter Magiſtrum Johannem, Rectorem Eccleſiæ de Campo aureo, & prædictum A. inita, videlicet quòd præfatus Magiſter J. quinque marcas Sterlingorum nomine annuæ Penſionis ſibi ſolveret, † quouſq; ſibi de aliquo beneficio competenti fuiſſet proviſum, & ſuper hoc literam obligatoriam ſibi fieri feciſſet, Sigillo ſuo munitam; Idem tamen Magiſter Johannes, à tempore obligationis confectæ, juxta vim & effectum illius obligationis, in nullo ſervare curavit, in grave ipſius A. dampnum, præjudicium & gravamen; Et quanquam idem A. ad vos acceſſiſſet, & querelam ſuam vòbis exponeret, graviter de prædicto Magiſtro J. conquerendo, & prædictam obligationem vobis oſtenderet, vos nihilominus, Parti præfati Magiſti J. nimis faventes, prædictam obligationem, quam præfatus A. vobis exhibuit inſpiciendam, eidem poſtulanti reſtituere, & juſtitiam facere recuſâſtis, licet eſſetis ſuper hoc congruè requiſiti: Quocircà Fraternitatem veſtram monemus & hortamur in Domino Jeſu Chriſto, quatenùs, ſi eſt ita, prædictam literam obligatoriam præfato A. reſtituatis celeriter, & juxta vim formam & effectum ipſius literæ obligatoriæ, eidem (prout veſtro incumbit officio) complementum juſticiæ faciatis; ne ob veſtri defectum iteratam querimoniam ſuper præmiſſis audiamus. Valeat ſemper in Chriſto. Datum apud Stebenheth, Kalend' Aprilis, Conſecrationis noſtræ Anno Nono. 1302.

† Vid. pag. 140.

— and that the Biſhop refuſed to oblige him to payment;

— the Archbiſhop commands that Redreſs be given to the Party injured.

XIII. *Letters of the* King, *and the Archbiſhop, againſt Ordaining without good Titles.*

Pag. 141.

Archbiſhop *Laud* tranſmits to his Suffragans,

Laud. Regiſt. 191, b.

MY very good Lord: His Majeſty hath been often and much troubled, upon Complaints which have been made unto him by the Lords and other Men of Quality, concerning the Multitude of both unlearned and unworthy Miniſters, which peſter the Church, and are always the Cauſes of great Scandal, and too often of Schiſm and Diviſions therein. And ſome of them are forced (to the ſhame of themſelves and their Calling) for want of Means, to beg for their Living, and yet are daily made in great numbers, and that directly againſt the Canon of the Church, which requires, that no man ſhould be made a Miniſter *ſine Titulo.* For Remedy of this great Abuſe and wrong to the Church, his Majeſty hath directed his Letters to Me, and by them required Me to call all ſuch Biſhops to Me, as were then in or about the City, and after Conſultation with them, to ſend my Letters to every ſeveral Biſhop within the Province, to require Obedience to the Canon of the Church, and his Majeſties Direction according to it. The tenour of which his Majeſties Letter followeth:

— the King's Letter concerning Ordination *without Titles*, and the Miſchiefs thereof to the Church;

Moſt Reverend Father in God, Right truſty and right entirely beloved Counſellour, We greet you well: There is nothing more dear to us, than the Preſervation of true Religion, as it is now ſettled and eſtabliſhed in this our Kingdom, to the Honour of God, and the great Comfort of our ſelf and Loyal People; And there can nothing more conduce to the Advancement thereof, than the ſtrict Obſervation of ſuch Canons of the Church, as concern thoſe that are to take Orders in their ſeveral times; more eſpecially, the keeping of that particular Canon which enjoyns that no man be made a Prieſt or a Miniſter without a Title. *For we find that many, not ſo qualified, do, by favour or other means, procure themſelves to be Ordained, and afterwards for want of means, wander up and down, to the Scandal of their Calling, or (to get maintenance) fall upon ſuch Courſes, as are moſt unfit for them, both by humouring their Auditors, and other ways altogether unſufferable. We have therefore thought fit, and we do hereby ſtraightly require and charge you, to call ſuch Biſhops to you as are now preſent in or near our City of* London, *and to acquaint them with this our Reſolution. And further, that you fail not, in the beginning of the next Term, to give notice of this our Will and Pleaſure, openly in our High Commiſſion Court: And that you call into our ſaid Court every Biſhop reſpectively, that ſhall preſume to give Orders to any man that hath not a Title, and there to cenſure him, as the Canon aforeſaid doth enjoyn (which is, to* maintain *the Party ſo Ordered, till he give him a Title) and with what other Cenſure you in Juſtice ſhall think fit.*

And

And our further Will is, that nothing ſhall be reputed a Title *to enable a Man for Orders, but that which is ſo by the Antient Courſe of the Church and the Canon Law; ſo far forth as that Law is received in this our Church of* England. *And as you muſt not fail in theſe our Directions, nor in any part of them, ſo we expect that you give us form time to time a ſtrict account of your proceedings in the ſame. Given under our Signet at our Palace of* Weſtminſter, *the nineteenth day of* September, *in the ninth year of our Reign.*

According to theſe Letters, I am to pray and require you, that at all times of Ordination you be very careful to admit none into holy Orders, but ſuch men as for *Life* and *Learning* are fit, and which have a *Title* for their Maintenance, according to the Laws and antient Practice of the Church. And his Majeſtie hath farther commanded me to advertiſe your Lordſhip, that he will not fail to call for an Account of theſe his Letters, both of me and you. Thus, not doubting but you will have a ſpecial Care both of the Good of the Church and his Majeſties Contentment herein, I leave you to the Grace of God, and reſt, Your Lordſhip's very Loving Friend and Brother W. Cant.' *Lambeth,*
1633. *October* 24. 1633.

—with Intimation, that his Majeſty will call for an Account.

XIV. *Literæ Dimiſſoriæ conceſſæ Clerico cupienti ſe ab unâ Diœceſi in aliam transferre.*

2 Stanh. Vic. Gen. f. 54. JOHANNES Permiſſione divinâ London.' Epiſcopus, omnibus Chriſti fidelibus ad quos præſentes Literæ teſtimoniales pervenerint Salutem in Domino. Quia bonum piumque cenſemus eſſe Veritati Teſtimonium perhibere, Viriſque bene merentibus, & ad loca peregrina tranſmigrare volentibus, Laudes Commendationeſque debitas & ſib icondignas adhibere, Univerſitati igitur veſtræ Tenore præſentium ſignificamus & innoteſcimus, quòd Quidam Johannes Boſtock Clericus, Artium Baccalaureus, aliàs Preſbyteratûſque Ordine à nobis inſignitus & decoratus, per Spatium duorum Annorum jam ult.' elapſ.' Curæ Animarum Parochianorum de Layndon in Com.' Eſſexiæ, noſtrarum Diœceſ.' & Juriſdictionis inſervivit, Sacramentaque ibidem interim miniſtravit, divinaque Officia publicè ibidem tam diu laudabilitèr & honeſtè ——, nec aliquid interim egit aut perpetravit propter quod à nobis in Excommunicationis, interdicti, vel Suſpenſionis, alteriuſve Irregularitatis cujuſcunque Notâ vel Sententiâ notatus, infamatus aut innodatus eſt, ac proinde veſtrum vobis per præſentes non immerito commendamus. In cujus Rei Teſtimonium Sigillum noſtrum quo in hac parte utimur præſentibus apponi fecimus. Dat.' London.' quarto Die Menſis Decembris, Anno Domini milleſimo quingenteſimo nonageſimo primo,
1591. & noſtræ Conſecrationis decimo quinto.

The Biſhop certifies, that one who had liv'd in his Dioceſe,

—had behaved himſelf well, and done nothing that deſerved the Cenſures of the Church.

XV. *Privatio Vicarii pro Crimine Inceſtûs & Adulterii.*

Baud. f. 33. IN Dei Nomine, *Amen.* Cum nuper Nicholaus de Hadham, qui ſe gerit pro Vicario Eccleſiæ de Ardleye London.' Diœceſ.' ſuper Inceſtûs & Adulterii Vitio cum Matilda Ancilla ſive domicella Aliciæ Martel de Ardleye, ac cum eadem Alicia & Alicia Fil.' Thomæ le Honte, Parochianis ſuis, nec non ——— Izabella Uxore Gulielmi de Sarteria de Colceſtriâ commiſſo, diffamatus coram Venerabili Patre Domino Radulpho Dei Gratia London.' Epiſcopo, Loci Diœceſano, ad Judicium evocatus fuiſſet, ex Parte præfati Patris eidem Vicario erant Articuli in ſcriptis traditi ſub hac forma; In Dei Nomine, *Amen.* Nos Radulphus Permiſſione divinâ London.' Epiſcopus, Tibi Nicholao de Hadham, qui te geris pro Vicario Eccleſiæ de Ardleye, ac cuilibet pro te legitime intervenienti, ex Officio noſtro objicimus, quòd, fama publica referente ad Aures noſtras pervenit, quod Tu Nich.' antedict', propriæ Salutis immemor, crimen Inceſtûs cum Matilda Ancilla ſive Domicella Aliciæ Martel de Ardleye, tuâ parochianâ & filiâ ſpirituali, ſub tua Confeſſione exiſtente, cum eâ carnaliter fornicando nequitèr commiſiſti, ipſius Nephariis amplexibus ad tuæ Voluntatis libitum temere inherendo, in tuæ Animæ diſpendium, & Eccleſiæ vehementiſſimum Scandalum, & aliorum pernicioſum Exemplum. Item objicimus tibi ut ſupra, quòd fama publica referente, & à diu perdurante, ad nos pervenit, quod Tu Nicho.' antedict'. propriæ Salutis immemor, Crimen Inceſtûs cum Alicia Martel & Aliciâ filiâ Thomæ le Honte de Ardleye, tuis Parochianis, Filiabus Spiritualibus, ſub tua Confeſſione exiſtentibus, poſtquam ſuper dicto Crimine aliàs ex noſtræ Viſitationis officio impetitus extiteras, tanquam Canis rediens ad Vomitum, nequiter commiſiſti, ſic cum ipſis in crimine memorato dampnabilitèr recidivando, ac earum nephariis & carnalibus amplexibus adhuc temerè inherendo, in tuæ Animæ periculum, & Eccleſiæ vehementiſſimum Scandalum, & aliorum pernicioſum exemplum. Item objicimus tibi ut ſupra, quod fama publica referente, & à diu perdurante, ad nos pervenit, quod Tu Nicho.' antedict.' propriæ Salutis immemor, Adulterium cum Iſabella Uxore Gulielmi de Sarteria de Colcheſter,

Recites,

—The Articles exhibited againſt him,

cheſter, adhuc conjugatâ, poſtquam ſuper hoc Crimine aliàs ex noſtræ Viſitationis officio impetitus extiteras, & in purgatione tibi ſuper hoc Crimine indictâ defeceras, tanquam Canis rediens ad Vomitum, nequitèr commiſiſti, ac cum ipſâ in dicto Crimine dampnabilitèr recidivando, & ejus adulterinis amplexibus temerè inherendo, in tuæ animæ diſpendium, Eccleſiæ vehementiſſimum Scandalum, & aliorum pernicioſum Exemplum. Quæ quidem omnia & ſingula ne dum ſunt publica, ſed ita manifeſta & notoria, quod nullâ potuerunt Tergiverſatione celari: Super quibus omnibus & ſingulis conjunctim & diviſim prout nobis videbitur expedire, per Viam Notorii, ſeu alio quovis modo legitimo, quatenus canonica permiſerint inſtituta, intendimus contra Te procedere, & detectâ veritate ſtatuere, decernere, & exequi quod juſtum fuerit in hac Parte, Juris Beneficio in omnibus nobis ſalvo. Ad quos quidem Articulos, pro parte ejuſdem Nicholai factâ litis conteſtatione negativè, ac eodem Nicholao ad reſpondendum quibuſdam Interrogationibus, Negotium Correctionis hujuſmodi contingentibus ex officio faciend', jurato, ipſiſque Interrogationibus factis, & per eundem reſponſionibus habitis ad eaſdem, Et ex officio quibuſdam Teſtibus productis, in forma Juris receptis, juratis & examinatis, eorumque Atteſtationibus publicatis, Statutoque dicto Nicholao Termino competente ad dicendum & proponend.' contra Teſtes hujuſmodi & eorum dicta, nichil dicto ſeu propoſito; poſtmodum dicto Negotio Correctionis hujuſmodi per Appellationem ipſius Nicholai ad Cur.' Cant.' legitime devoluto, variiſque Proceſſibus ipſius Negotii, & ipſum contingentibus, ad ipſam Curiam tranſmiſſis & judicialiter publicatis, ac in Statu debito reſumptis, & juxta Effectum reſumptionis hujuſmodi, Statuto dicto Nicholao Termino ad proponend'. omnia in facto conſiſtentia, nichil dicto ſeu propoſito, ſed in hujuſmodi Correctionis Negotio concluſo, præfixo tam parti Epiſcopi, tam parti dicti Nicholai, Termino ad audiendam Pronunciationem ſive Sententiam definitivam in Negotio memorato: Nos Officialis Cur.' Cant.' inveſtigato dicto Proceſſu diligentius & rimato, & quæ per exhibita per partem Venerabilis Patris prædict'. in Subſidium probationis coram nobis, comperimus evidenter prædictum Nicholaum, præſumptivè convictum ſuper Crimine prædicto cum Alicia Mertele prædicta, Peccatum ſuum ut præmittitur cum eadem commiſſum, ac omnia Acceſſus, ac omnia loca ſuſpecta nuper abjurâſſe, ſub Pœna debita eidem infligenda; ipſumque Nicho.' poſtmodum, tanquam Canis rediens ad vomitum, non abſque nota & tranſgreſſione Perjurii, ipſum Crimen nefand', ut prius, cum dicta Alicia Martell parochiana ſua, non tantum recidivando commiſiſſe, ſed etiam notoriè exercuiſſe & continuâſſe, non ſine gravi Scandalo plurimorum; Chriſti Nomine invocato, prædictum Nicholaum de Hadham, tanquam criminoſum, indignum, & inhabilem, ex Cauſis præmiſſis, Vicariâ ſuâ prædictâ de Ardleye ſententialitèr & definitivè privamus, ac ipſum ſic privatum ab eadem amovemus, & amovendum fore decernimus: ipſumque in decem Lib.' Sterlingor.' pro Expenſis in dicto Negotio fact.' taxat.' moderat.' & jurat.' nichilominus condemnantes. Lata fuit iſta Sententia in Eccleſia Sanctæ Mariæ de Arcubus London'. in pleno Conſiſtorio Loci ejuſdem, quinto Kalen. Maii, Anno Domini 1313. 1313.

—with the Proofs, and Proceſs thereupon.

The Sentence of Deprivation.

XVI. *Sententia Privationis Vicarii pro diverſis Criminibus.*

Viceſimo quarto Die Menſis Martii, Anno Domini 1441 in Eccleſia parochiali de Hadham London.' Diœceſ.' lata fuit Privationis Sententia contra Dominum Hugonem David —— Vicarium de Nazynge eo qui ſequitur ſub tenore.

The Cauſes of Deprivation.

IN Dei Nomine, *Amen.* Nos Robertus Permiſſione divinâ London.' Epiſcopus, contra Dominum Hugonem David —— Vicarium perpetuum Eccleſiæ Parochialis de Naſſing noſtræ Diœceſ.' nobis & noſtræ Juriſdictioni ſubditum & ſubjectum, in Negotio Privationis & Amotionis dicti Domini Hugonis Vicariâ ſuâ prædictâ, occaſione pravitatis ſimoniacè, quâ mediante dictus Dominus Hugo eandem Vicariam ſcient.' acquiſivit; ac pro eo quòd, quandam Chriſtianam Uxorem Johannis Eliot Parochiani ſui, filiam ſuam ſpiritualem, carnaliter, cognovit; & etiam, quòd fructus & proventus dictæ ſuæ Vicariæ toto ſuo tempore dilapidavit, diſſipavit, & conſumſit; Edificiaque præfatæ Vicariæ deformiter ad terram collabi permiſit; nec non, quòd per Authoritatem Archidiaconi noſtri Eſſexiæ legitimè ſuſpenſus, ſcient.' pluries celebrar.' præſumſit; ac inſuper, quòd ad reſidend.' in dicta Vicaria, & curam ejuſdem exercend.' per publicum Citationis Edictum in dicta Eccleſia de Nazynge, & multis aliis Eccleſiis convicinis, per plures Dies Dominicos & alias Feſtivitates Solempnes, à principio menſis Auguſti uſque ad præſens, quolibet menſe propoſitum, declaratum & publicat.' legitimè vocatus & citatus, redire renuit, & reſidere, nec Curæ dictæ Vicariæ deſervivit, nec per dictum tempus deſerviri facere curavit quoviſmodo, legitimè procedentes: Quia per Acta, inactitata, —— producta, & Exhibita, Confeſſionemque prædicti Domini Hugonis coram nobis factam & emiſſam, invenimus præmiſſa, Gilb. f. 42. b.

præmiſſa, ac alios exceſſus enormes contra dictum Dominum Hugonem ſuffr.' fuiſſe & eſſe judicialitèr probata, eodem Domino Hugone præſente, ne dicta Vicaria per deſolationem longiorem graviorem (quod abſit) pateretur læſionem, Chriſti Nomine invocato, & ipſum Solum præ-oculis haben'. eundem Dominum Hugonem David, ad audiend.' hanc noſtram Sententiam definitivam in negotio memorat.' iſtos diem & locum ex noſtra præfixione habentem, à dicta Vicaria de Nazynge, ex cauſis præmiſſis & aliis legitimis nos in hac parte moven'. amovemus, & ipſum privamus eâdem, ac eandem Vicariam, omneque Jus ac omnem Titulum quod & quem in ipſa Vicaria habuit, eidem Domino Hugoni ſubtrahimus, & auferimus, per hanc noſtram Sententiam definitivam, quam ferimus in hiis ſcriptis. Præſentibus Magiſtro Rogero Martyn Rectore de Wigborow Magna, præfatæ London.' Diœceſ.' Richardo Joye, & Rogero Draper, Clericis.

XVII. *Deprivatio Clerici pro Adulterio, & aliis Criminibus.*

Compt. f. 145. b.

Recites — The particular Steps in the Proceſs;

— and that full Proof had been made.

Declaration of Guilt,

— and Deprivation.

IN Dei Nomine, *Amen.* Auditis, viſis, & intellectis, ac plenariè & maturè diſcuſſis, per nos Henricum ——— Permiſſione divinâ London.' Epiſcopum, Meritis & Circumſtantiis cujuſdam Negotii Officii noſtri, quod coram nobis in Judicio, nuper inter Nathanaelem Sharp, Parochiæ de Stepney in Com.' Middleſexiæ defunctum, modo verò, inter Thomam Croker Parochiæ Sancti Benedicti prope Ripam Paulinam London.' partem dictum Negotium promoventem, ex una, & Johannem Brown Clericum, Rectorem Rectoriæ & Eccleſiæ parochialis de Eaſt Horndon in Com.' Eſſexiæ & Diœceſnr.' Londinen.' partem con.' quam dictum Negotium promovetur, partibus, ex alterâ, vertebatur nuper & pendebat, vertiturque adhuc & pendet indeciſ.' rite & legitime procedentes, partibuſque prædict.' per earum reſpectivè Procuratores coram nobis in Judicio legitimè comparentibus, parteque præfati Thomæ Croker Sententiam ferri, & Juſtitiam fieri pro parte ſua, parte vero memorati Johannis Brown Juſtitiam etiam pro parte ſua reſpectivè poſtulan.' & peten.' Rimatoque primitùs per nos toto & integro proceſſu in hujuſmodi Negotio habito & facto, & diligentèr recenſito, Servatiſque per nos de Jure in hac parte ſervandis, ad noſtræ Sententiæ definitivæ, ſive noſtri finalis Decreti, in hujuſmodi Negotio ferend.' prolationem, ſic duximus procedendum fore, & procedimus in hunc qui ſequitur modum. Quia per Acta, inactitata, Deducta, Allegata, exhibita Propoſita, probata paritèr & confeſſata in hujuſmodi Negotio, comperimus luculentèr & invenimus, partem præfati Thomæ Croker intentionem ſuam, in quibuſdam Articulis in hujuſmodi Cauſa dat.' exhibit.' & admiſſ.' peneſque Regiſtrum hujus Curiæ remanen.' deductam, quos quidem Articulos pro hic lectis & inſertis habemus, & haberi volumus, ſufficientèr & ad plenum, quoad infra pronuncianda fundâſſe pariter & probaſſe, nihilque effectuale, ex parte aut per partem præfati Johannis Brown exceptum, deductum, allegatum, exhibitum, propoſitum, probatum aut confeſſatum fuiſſe aut eſſe, quod intentionem præfati Thomæ Croker in hac parte elideret, ſeu quomodolibet enervaret; Idcirco Nos Henricus, Permiſſione divinâ London.' Epiſcopus antedictus, Chriſti Nomine primitùs invocato, ac ipſum ſolum Deum Oculis noſtris præponentes & habentes, deque & cum Conſilio Juriſperitor.' cum quibus in hac parte communicavimus, maturèque deliberavimus, prænominatum Johannem Brown Clericum, Rectorem Rectoriæ & Eccleſiæ parochialis de Eaſt Horndon prædict'. Annis & Menſibus in dictis Articulis mentionatis, eorumve Menſium & Annorum aliquibus, Officium ſuum Eccleſiaſticum perperam neglexiſſe, & immodicis Potationibus deditum fuiſſe, ac Maritum exiſten'. Crimen Adulterii cum quadam Elizabetha Ward, in dictis Articulis mentionat.' ſæpius commiſiſſe & perpetraſſe, juxta Probationes legitimas in hac parte factas, pronunciamus & declaramus; dictum igitur Johannem Brown, propter dicta enormia Crimina per eum commiſſa & perpetrata, fuiſſe & eſſe infamem, & apud bonos & honeſtos valde defamatum, ac ordini Clericali & Presbyterali maximè ſcandaloſ.' & dedecori fuiſſe, & eſſe; & ad inſerviendum curam Animarum, divinaque celebrand.' ac Sacramenta Chriſti fidelibus miniſtrandum apud Parochianos, & in Eccleſia parochiali, de Eaſt Horndon prædict.' omnino inidoneum & indignum fuiſſe, & eſſe, pronunciamus, decernimus & declaramus: Eundem igitur Johannem Brown, à dicta Rectoria perpetua Eccleſiæ Parochialis de Eaſt Horndon prædict.' & à Curâ Animarum Parochianorum ejuſdem, tanquam indignum & penitus inidoneum, ad omnem Juris Effectum amovemus: Eundemque Johannem Brown, propter præmiſſa delicta & Crimina nefaria & nefanda, à Rectoria perpetua Eccleſiæ parochialis de Eaſt Horndon prædict.' ad omnem Juris Effectum deprivamus; dictamque Rectoriam & Eccleſiam parochialem de Eaſt Horndon prædict.' quoad eundem Johannem Brown, & de ejus Perſon.' vacuam eſſe, proque vacua ad omnem Juris Effectum pronunciamus & decernimus: eundemque Johannem Brown, in Expenſis legitimis ex parte & per partem dicti Thomæ Croker fact.' & faciendis, eidemque, vel parti ſuæ ſolvendis, condemnandum fore de Jure debere, etiam pronunciamus, decernimus & declaramus; ſicque condemnamus, per hanc noſtram Sententiam definitivam, ſive hoc noſtrum finale Decretum, quam ſive quod ferimus & promulgamus in his Scriptis. Taxationem verò, ſive moderationem dictarum Expenſarum, Nobis, aut alii Judici in hac parte competenti cuicunque reſervando reſervamus.

SECT. IV.

CATHEDRAL CHURCHES, *and the Members thereof.*

I. *Licentia Inhabitantibus Hameletæ, ut non teneantur ſolenni Proceſſione accedere ad Eccleſiam Cathedralem in Feſto Pentecoſtes.*

Pag. 172.

† Thirlby, Reg. 259.

All Places being obliged to go in Proceſſion to their Cathedral at Pentecoſt,

—in token of Subjection to the Mother Church,

—and this being inconvenient to the Inhabitants of *Stratford* at *Bowe*,

—they are diſpenſed with;

—provided the Churchwardens come, and make the due Oblations.

† THOMAS, permiſſione divinâ Weſtmon.' Epiſcopus &c. Dilectis Nobis in Chriſto Curato Gardianiſq; & Iconomis, ac cæteris Parochianis & Inhabitatoribus Eccleſiæ ſive Capellæ Curatæ de *Stratforde at Bowe*, in Com.' Middleſexiæ noſtr.' Weſtmon.' Diœc.' & Juriſdictionis jam exiſtentibus, & eorum Succeſſoribus futuris quibuſcunque, Salutem, Gratiam & Benedictionem. Porrecta nobis ſiquidem Petitio veſtra continebat, Quòd cùm Vos, & Anteceſſores veſtri, ſemel quolibet Anno in Feſto Pentecoſt.' ſolenni & decenti Proceſſione, Eccleſiam Cathedralem Divi Pauli Lond.' (quamdiu Lond.' Diœc.' fuiſtis,) ac poſt & citra Erectionem & Fundationem Epiſcopatûs noſtri Weſtm. cujus Diœc.' jam exiſtitis, Eccleſiam noſtram Cathedralem Sancti Petri Weſtm.' tanquam *Baſilicas* & *Matrices veſtras Eccleſias* reſpectivè, juxta præteriti temporis morem ab antiquo uſitatum & obſervatum hactenùs, perſonaliter adire & inviſere, Oblationeſque in Signum Obedientiæ & Subjectionis, quas Matrici Eccleſiæ præſtare tenemini, tunc ibidem facere conſueviſtis, Vobis & Succeſſoribus veſtris de cætero nimìs foret oneroſum, ſi ad dictam Eccleſiam noſtram Cathedralem Weſtm.' (modò veſtram *Matricem* Eccleſiam conſtitutam) cum ſolenni Proceſſione hujuſmodi, juxta morem & conſuetudinem prædict.' antiquitùs (ut præfertur) uſitat.' & obſervat.' perſonaliter accedere, & alia ibi, modo præmiſſo, in futurum facere, obnoxii & aſtricti eſſetis; eo præſertim, quòd Villula ſive Hamelecta de *Stratforde at Bowe* prædict.' in remotiori ſive extremâ partæ dictæ noſtræ Diœc. Weſtm.' ſituata exiſtit, quódq; tam commodè dictam Eccleſiam noſtram Cathedralem Weſtm.' in tempore ſive Feſto prædict.' ſicuti olim præfatam Eccleſiam Cath.' Divi Pauli London.' (non ſolùm, propter Locorum hujuſmodi Diſtantiam, extremamq; Defeſſionem deportantium Cruces, Vexilla, Vela, Remos, Veſtimenta, Libros & alia Ornamenta in hujuſmodi ſolenni Proceſſione deferri ſolita & conſueta, necnon Moleſtationem aliorum utriuſq; Sexûs dictæ Villulæ ſive Hamelectæ Incolarum & Inhabitatorum, ætate & ſenectute confractorum, totam Civitatem Lond.' per Progreſſum ejuſdem Proceſſionis perluſtrantium & peragrantium; verùm etiam propter ipſorum Ornamentorum, pluviâ & adverſâ aëris tempeſtate forsàn inſurgent.' Detrimentum & Diſpendium non modicum) perſonaliter inviſere & adire cum ſolempni veſtrâ Proceſſione hujuſmodi nullatenùs poſſitis aut valeatis; Unde, nobis Præmiſſa ſeriosè explicando, humiliter ſupplicari feciſtis, quatenùs Vobis de congruo in hâc parte dignaremur providere Remedio: Nos itaq; Thomas Epiſcopus antedictus, hujuſmodi Petitioni & Supplicationi veſtris grato annuentes Aſſenſu, ac veſtris & Succeſſorum veſtrorum Quieti & Commoditati in præmiſſis paterno Affectu proſpicere & conſulere volentes, Vos præfat.' Curatum, Gardianos, Parochianos, & Inhabitatores modernos, & Succeſſores veſtros quoſcunq; pro tempore exiſten.' ab onere & ſolennitate Progreſſionis & Proceſſionis hujuſmodi ad dictam Eccleſiam noſtram Cathedralem ſancti Petri Weſtm.' per Vos, aut dictos Succeſſores veſtros modo præmiſſo de cætero in futur.' fiend.' ſeu habend.' ac ob omni & omnimodâ Obſervatione ejuſdem (quantùm ad Nos attinet & de Jure poſſumus) pro Nobis & Succeſſoribus noſtris Weſtm.' Epiſcopis, abſolvimus, dimittimus, toleramus, relaxamus, & in perpetuum exoneramus per præſentes. Ita tamen, ac ſub modo, forma & conditione ſubſequent.' & non aliter, viz. Quòd duo Gardiani ſive Iconomi dictæ veſtræ Eccleſiæ ſive Capellæ Curatæ de *Stratforde at Bowe*, quicunq; pro tempore exiſtent.' annuatim & ſingulis annis futuris, præfatam Eccleſiam noſtram Cathedralem Sancti Petri Weſtm.' in dicto Feſto Pentecoſt.' perſonaliter inviſere & accedere, atq; Oblationes per Vos & Anteceſſores veſtros in hâc

parte

parte (viz. duodecim Denar.' Sterling.') hactenùs fieri & offerri ſolit.' & conſuet.' tunc ibidem horâ congruâ & conſuetâ, intra divinorum Solempnia, ad ſummum Altare, in Signum & Recognitionem *Matricis Eccleſiæ* hujuſmodi, ac veſtræ Subjectionis & Obedientiæ, quibus eidem de jure & conſuetudine hujuſmodi tenemini, vice & nomine Curati, ac aliorum omnium & ſingulorum Parochianorum, & Inhabitatorum ejuſdem Villulæ ſive Hamelectæ, fideliter & effectualitèr facere, & offerre imperpetuum teneantur, & ſint aſtricti: Alioquin volumus & decernimus, quòd ſi, & caſu quo, prædicti Gardiani in præmiſſis aut aliquo eorundem negligentes, remiſſi, vel culpabiles fuerint, extunc hujuſmodi Dimiſſio, Toleratio, Relaxatio, & Exoneratio noſtra nullius ſit Vigoris, Efficaciæ, Roboris, aut Momenti, nullamque vobis præfatis Curato, Parochianis, & Inhabitatoribus, ſeu Succeſſoribus veſtris hujuſmodi afferant ſeu præſtent in hâc parte Commoditatem, Libertatem, ſeu Præ-eminentiam aliquam; ſed ad hujuſmodi Progreſſionem, ac Proceſſionis Solempnitatem & Obſervantiam, atq; ad omnia & ſingula alia præmiſſa, ſicuti (ut præfertur) in eorum priſtino ac primævo Statu, modo, formâ & conditione, apud eandem Eccleſiam noſtram Cathedralem Weſtm.' fienda & perimplenda extunc prout exnunc, & exnunc prout extunc, etiam ſint aſtricti, obligati, & onerati in omnibus, & per omnia, perinde ac ſi hoc præſens Scriptum noſtrum vobis inde factum non fuiſſet. In cujus rei Teſtimonium, Sigill.' noſtr.' præſentibus apponi fecimus. Dat.' apud Weſtm.' viceſimo
1542. die Menſis Maii, Anno Dom. Milleſimo quingenteſimo quadrageſimo ſecundo; Regníq; potentiſſimi & invictiſſimi in Chriſto Principis & Domini noſtri, Domini Henrici Octavi, Dei Gratiâ Angliæ, Franciæ, & Hiberniæ Regis, Fidei Defenſoris, & in terris Eccleſiæ Anglicanæ & Hibernicæ ſupremi Capitis, Anno triceſimo quarto: noſtræ autem Conſecrationis Anno ſecundo.

— in default of which, this Licence ſhall be of no force.

II. *Monitio ſuper Proceſſione ad Eccleſiam matricem in Hebdomadâ Pentecoſtes.*

Courteney f. 169. b.

FRater Robertus permiſſione Divina Cantuarienſis Archiepiſcopus, totius Angliæ primas, dilectis filiis Decano de Pageham, Rectoribus, Vicariis, Capellanis, & univerſis per Decanatum de Pageham conſtitutis, ſalutem eternam in Chriſto.

Recites — The ancient uſage of repairing to the Mother Church at *Whitſontide*,

Cùm in ſingulis Locis noſtræ Provinciæ, & aliis pleriſque, à Chriſti fidelibus in Ebdomada Pentecoſt.' ex antiqua & approbata conſuetudine, proceſſio fieri conſueverit, ut vos, dilecti filii, Catholicæ communionis participes videam.' vobis mandamus, quatinus vos, Decane, Rectores, Vicarii, & Capellani, cum Clero & populo vobis commiſſo, Eccleſiam Matricem de Pageham aliquo die certo, in Ebdomada Pentecoſt.' ad hoc per vos ſtatuend.' cum proceſſione ſolempni & devotâ, juxta datam vobis gratiam, ſingulis annis humiliter viſitetis. Ad hujus autem ſolempnitatis devotionem ſedula vos intentio ſollicitet, ut tam vobis, quam credito vobis gregi, præmium proinde ex alto proveniat, veſtraque diligentia uberibus in Domino laudibus ſe offerat attollendam.

— and commands it to be done, accordingly.

1278. Datum apud Lamhith, quarto Non.' Junii, Anno Domini Milleſimo CC° LXX°. octavo, Conſecrationis noſtræ ſexto.

Pag. 173.

III. *Electio Decani, de* Antiquâ *Fundatione.*

Regiſtr. Gilb. Lond. Ep. f. 119. b.

IN Dei nomine, Amen. Cùm vacante nuper Decanatu hujus Eccleſiæ Sancti Pauli London.' per mortem bonæ memoriæ Magiſtri Reginaldi Kentwod, ultimi Decani ejuſdem, vocatis ritè, & legitimè præmunitis, ad electionem futuri Decani ejuſdem, omnibus & ſingulis qui de jure ſeu conſuetudine ad electionem hujuſmodi fuerant evocandi; ac omnibus qui debuerunt & potuerunt hujuſmodi electionis negotio commodè intereſſe, in Domo Capitulari Eccleſiæ antedictæ, termino ad dictam Electionem celebrand.' præfixo & aſſignato, præſentibus & Capitulariter congregatis; placuerit Præſidenti ac omnibus & ſingulis de Capitulo ejuſdem Eccleſiæ, nemine diſcrepante, per viam ſeu formam Compromiſſi de futuro Decano dictæ Eccleſiæ providere, ac nobis Willielmo Bothe, Adæ Moleyns, Thomæ Bekynton, Stephano Wilton, Ricardo Caudray, Nicholao Dixon, & Waltero Shiryngton, Canonicis Eccleſiæ prædictæ, jus & voces in hujuſmodi Electionis negotio habentibus, Compromiſſar.' in hac parte electis, plenam & liberam dederunt & conceſſerunt poteſtatem, & mandatum ſpeciale, iſto die, uſque ad horam primam poſt meridiem ejuſdem diei duraturam, eligendi perſonam idoneam de gremio prædictæ Eccleſiæ in Decanum ejuſdem, & eidem Eccleſiæ providendi de eodem; prout ex tenore dicti Compromiſſi liquet manifeſtè: Noſq; Compromiſſarii antedicti onus hujuſmodi Compromiſſi in nos acceptavimus; & poſt tractatum in hac parte de perſonâ eligendâ inter Nos habitum, Nos, Willielmus, Adam, Thomas, Stephanus, Ricardus, Nicholaus, & Walterus, Compromiſſarii prædicti, unanimiter & concorditer conſenſimus, & vota noſ-

Recital of the Election of a Dean of St. *Paul's*,

— by Compromiſſaries,

— who agree upon the Perſon,

tra direximus in Venerabilem Virum Magiſtrum Thomam Liſeux, Canonicum Eccleſiæ antedictæ, in facultate Artium Magiſtrum, & Sacræ Theologiæ Scholarem, ipſúmque nominavimus in Decanum dictæ Eccleſiæ eligendum, longè infra terminum ad hoc nobis, ut præfertur, datum & aſſignatum, Virum utique providum & diſcretum, literarum ſcientiâ, vitâ, & moribus meritò commendandum, in ætate legitimâ & ſacro Presbyteratûs Ordine conſtitutum, liberum, & de legitimo matrimonio procreatum, in Spiritualibus & Temporalibus plurimùm circumſpectum, caſtum, pudicum, ſcientem & valentem Jura dictæ Eccleſiæ ſufficienter defendere & tueri; cui nihil obviat de Canonicis Inſtitutis quo minùs in Decanum dictæ Eccleſiæ eligi debeat, & eidem Eccleſiæ provideri de eodem; Ego Stephanus Wylton, unus Compromiſſariorum prædictorum, ſufficientem in hac parte habens Poteſtatem à dictis Compromiſſariis meis, & à toto Capitulo Dictæ Eccleſiæ, attributam, vice meâ, & Compromiſſariorum meorum prædictorum, ac etiam vice & nomine totius hujuſmodi Capituli Eccleſiæ prædictæ, præfatum Magiſtrum Thomam Liſeux eligo in communi in Decanum hujus Eccleſiæ Cathedralis Sancti Pauli London.' & eidem Eccleſiæ Provideo de eodem, in hiis ſcriptis. 1441.

—and declare him duly Elected.

IV. *Conſenſus Decani Electi.*

Gilb. f. 120. a.

IN Dei Nomine, *Amen.* Ego Thomas Liſeux, in Facultate Artium Magiſter, & ſacræ Theologiæ Scholaris, Canonicus Eccleſiæ Cathedralis Sancti Pauli London.' in Decanum ejuſdem Eccleſiæ ritè & canonicè electus, ad conſentiend.' Electioni de me in hac parte factæ, per partem præſident.' & Capituli Eccleſiæ prædictæ, ſæpius & inſtanter requiſitus, Electioni hujuſmodi de me in hac parte factæ, in honorem ſanctæ Trinitatis, ac beatæ Mariæ Virginis, & beatorum Petri & Pauli, in quorum honore dicta Eccleſia dedicata exiſtit, ac Sancti Erkenwaldi, dictæ Eccleſiæ olim Epiſcopi & Confeſſoris, in eadem Eccleſia tranſlati, Conſentio, & Conſenſum meum præbeo in hiis ſcriptis.

V. *Confirmatio Electionis Decani, de* antiquâ *Fundatione.*

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The Biſhop by his Commiſſary,

Gilb. fol. 121. a. 1.

IN Dei nomine, Amen. Auditis pleniùs & intellectis, ac plenariè diſcuſſis, per nos Philippum ap Rys Decretorum Doctorem, Reverendi in Chriſto Patris & Domini, Domini Roberti Dei gratiâ London.' Epiſcopi Commiſſarium in hac parte, unà cum aliis certis Collegis noſtris, ſufficienter & legitimè Deputatum, meritis & circumſtantiis negotii Electionis de Venerabili viro Magiſtro Thoma Liſeux, ſacræ Theologiæ Scholari, in Decanum Eccleſiæ Cathedralis Sancti Pauli London.' (ipſo Decanatu por mortem recolendæ memoriæ Magiſtri Reginaldi Kentwode ultimi Decani ejuſdem vacante) factæ & celebratæ: Quia per acta, inactitata, deducta, probata, & exhibita, in negotio memorato, comperimus & invenimus evidenter, Electionem de dicto Magiſtro Thoma Liſeux in hac parte factam, fuiſſe & eſſe Canonicam, ac ritè, legitimè, & Canonicè celebratam, Ipſam de conſenſu Collegarum noſtrorum, ac conſilio Juriſperitorum cum quibus Communicavimus in hac parte, auctoritate dicti Reverendi Patris Nobis in hac parte commiſſâ, Ratificamus, Approbamus, & Confirmamus Adminiſtrationémque omnium Bonorum dicti Decanatûs Spiritualium & Temporalium, eidem Magiſtro Thomæ committendam fore decernimus, & committimus; ac ipſum in realem & corporalem poſſeſſionem ejuſdem Decanatûs, cum ſuis Juribus & pertinentiis univerſis Inducendum & Inſtallandum fore decernimus; Defectus, ſi qui ſint in Electione prædictâ, auctoritate prædictâ nobis commiſſâ ſupplentes, & ſupplemus per præſentes. In cujus rei teſtimonium, Sigillum Officialitatis London.' præſentibus duximus apponendum. Dat.' London.' viceſimo die menſis Januarii, Anno Domini Milleſimo Quadringenteſimo Quadrageſimo primo. 1441.

— finding the Election duly made,

— confirms it.

VI. *Erectio Novi Epiſcopatûs.*

REX omnibus ad quos &c. Salutem.

Rym. Fœd. v. 14. p. 717.

Cùm nuper Cœnobium quoddam ſive Monaſterium, quod, dùm extitit, *Eccleſia Sanctæ Werbergæ* vulgò vocabatur, atque omnia & ſingula ejus Maneria, Domino Meſuagia, Terræ, Tenementa Hæreditamenta, Dotationes, & Poſſeſſiones, certis de Cauſis ſpecialibus & urgentibus, per *Thomam* ipſius nuper Cœnobii ſive Monaſterii *Abbatem*, & ejuſdem Loci *Conventum*, Nobis Hæredibus & Succeſſoribus noſtris imperpetuùm jamdudùm Data fuerunt & Conceſſa, prout per ipſorum *Abbatis & Conventûs* Cartam, Sigillo ſuo communi ſive conventuali ſigillatam, & in Cancellariam noſtram irrotulatam, manifeſtè liquet, quorum prætextu, Nos de ejuſdem nuper Cœnobii ſive Monaſterii Scitu, Septu, & Precinctu,

cinctu, ac de omnibus & ſingulis prædictorum nuper *Abbatis & Conventûs* Maneriis, Dominiis, Meſuagiis, Terris, Tenementis, Hæreditamentis, Dotationibus, & Poſſeſſionibus, ad præſens pleno Jure ſeiſiti ſumus in Dominico noſtro ut de Feodo.

Nos utique ſic de eiſdem ſeiſiti exiſtentes, Divinâque Nos Clementiâ inſpirante, nihil magis ex animo affectantes quàm ut vera Religio, veruſque Dei Cultus inibi non modò non oboleatur, ſed in integrum potius reſtituatur, & ad primitivam ſuæ genuinæ Sinceritatis Normam reformetur, correctíſque Enormitatibus in quas Monachorum Vita & Profeſſio longo temporum lapſu deplorabiliter exorbitaverant, Operam dedimus, quatenus humana proſpicere poteſt Infirmitas, ut impoſterùm ibidem Sacrorum Eloquiorum Documenta, & noſtræ Redemptionis Sacramenta purè adminiſtrentur, bonorum Morum Diſciplina ſincerè obſervetur, Juventus in Literis liberaliter inſtituatur, Senectus viribus defectiva, eorum præſertim qui circa Perſonam noſtram, vel alioquin circa Regni noſtri Negotia publicè & fideliter nobis ſervierint, Rebus ad Victum neceſſariis condignè foveatur, ut deniq; Elimoſinarum in Pauperes Chriſti Largitiones, Viarum Pontiumq; Reparationes, & cætera omnis generis Pietatis Officia illinc exuberantèr in omnia Vicina Loca longè latéque dimanent, ad Dei Omnipotentis Gloriam, & ad Subditorum noſtrorum communem Utilitatem Felicitatémque,

Idcirco Nos,

Infra prælibata Scitum, Septum, Circuitum, Ambitum & Precinctum dicti nuper Cœnobii ſive Monaſterii, ad Gloriam & Honorem Chriſti & Beatæ Mariæ Virginis, *Sedem Epiſcopalem*, & quandam *Eccleſiam Cathedralem*, de uno *Epiſcopo*, & de uno *Decano* Preſbitero, & Sex *Præbendariis* Preſbiteris, ibidem Omnipotenti Deo omninò & imperpetuùm ſervituris, ipſumque Scitum dicti nuper Monaſterii, ac Locum & Eccleſiam ipſius, in *Sedem Epiſcopalem*, ac in *Eccleſiam Cathedralem* Creari, Erigi, Fundari & Stabiliri Decrevimus, & eandem *Eccleſiam Cathedralem*, de uno *Epiſcopo*, de uno *Decano* Preſbytero, & Sex *Præbendariis* Preſbiteris, Tenore Præſentium realiter & ad plenam Creamus, Erigimus, Fundamus, Ordinamus, Facimus, Conſtituimus & Stabilimus perpetuis futuris temporibus duraturam, & ſic ſtabiliri ac imperpetuùm inviolabiliter obſervari Volumus & Jubemus per Præſentes.

Volumus itaque, & per Præſentes Ordinamus quòd *Eccleſia Cathedralis prædicta*, ad Gloriam & Honorem Chriſti & Beatæ Mariæ Virginis Matris ejus, per Nos noviter per Præſentes Erecta & Fundata, CATHEDRALIS ECCLESIA CHRISTI ET BEATÆ MARIÆ VIRGINIS CESTRIENSIS imperpetuùm vocetur, nuncupetur, & appelletur.

Et quòd *Eccleſia Cathedralis prædicta* ſit, & deinceps imperpetuùm erit *Eccleſia Cathedralis Chriſti & Beatæ Mariæ Virginis, & Sedes Epiſcopalis.*

Ac quòd tota Villa noſtra Ceſtriæ extunc & imperpetuùm ſit *Civitas*, ipſámque CIVITATEM CESTRIAM vocari appellari & nominari Volumus & Decrevimus, ac ipſam *Civitatem* & totum Comitatum noſtrum Ceſtriæ, prout per Metas & Limites dinoſcitur & limitatur, ab omni Juriſdictione, Auctoritate & Diœceſe *Epiſcopi Coventrienſis & Lichfeldenſis* & Succeſſorum ſuorum pro tempore exiſtentium, Separamus, Dividimus, Eximimus, Exoneramus, & omninò per Præſentes Liberamus, ac omnem Juriſdictionem Epiſcopalem infra eandem Civitatem & Comitatum prædicto *Epiſcopo Ceſtrienſi*, à Nobis per has Literas noſtras Patentes Nominando & Eligendo, & Succeſſoribus ſuis Epiſcopis Ceſtriæ, ac prædicto Epiſcopatui Ceſtriæ Adjungimus & Unimus, & ex dictis Comitatu & Civitate Diœceſim Facimus & Ordinamus per Præſentes, illâmq; DIOECESIM CESTRIÆ imperpetuùm ſimiliter vocari, appellari, nominari, nuncupari, volumus & ordinamus.

Et ut hæc noſtra Intentio ad debitum perducatur effectum, Reverendum in Chriſto Patrem Dominum *Johannem Byrde Epiſcopum Bangorenſem*, Virum utique Vitâ & Moribus commendatum, Sacrarum Literarum cognitione præditum, atque in Spiritualibus & Temporalibus plurimùm circumſpectum, ab eadem Eccleſia Cathedrali & Sede Epiſcopali *Bangorenſi*, quibus nunc laudabiliter præſidet, ad Eccleſiam Cathedralem & Sedem Epiſcopalem *Ceſtriæ* antedictam, Tenore Præſentium, Transferimus & Tranſlatum fore cenſemus, ita quod ipſe Reverendus Pater Dominus *Johannes Byrde*, ex ſola & unica hac Tranſlatione, abhinc ſit & eſſe cenſeatur *Epiſcopus Eccleſiæ Cathedralis & Sedis Epiſcopalis Ceſtriæ* antedictæ, poſſitque idem *Reverendus Pater*, vigore Tranſlationis hujuſmodi, dictam *Eccleſiam Cathedralem* & *Sedem Epiſcopalem Ceſtrienſem* ingredi & nanciſci, eiſque præfici & præeſſe, ac eas pariter ac totam Civitatem & Diœceſim Ceſtriæ, Clerumq; & Populum eorundem, quatenus Officio Paſtoris incumbit, regere & gubernare, necnon Pontificalia omnia Officia & Juriſdictionem Epiſcopalem in eis excercere & excerceri facere, durante Vitâ ſuâ naturali, liberè licitè & abſq; aliquo impedimento aut gravamine noſtro, Hæredum noſtrorum, vel aliorum quorumcunque, in tàm amplis modo & formâ, ac ſi per *Archiepiſcopum Cantuarienſem* fuiſſet ſic Tranſlatus, & in *Epiſcopum Ceſtrienſem* Confirmatus, nullâ aliâ Sententiâ Decreto ſive Confirmatione, quatenus ad effectum Præſentium effectualiter aſſequendum, habitis ſeu requiſitis:

Cæterùm ut præfatum Reverendum nunc *Epiſcopum Ceſtrienſem* & ejus Succeſſores imperpetuùm Statum eorum juxta Pontificalis Dignitatis exigentiam decentiùs tenere poſſint, Cúmque etiam *Willielmus Knyght* Fidelis & Prædilectus Capellanus noſter, Legum Doctor, *Archidiaconus Archidiaconatûs Richmondiæ* in Eccleſia Metropolitana Eborum, per ſufficientem Cartam ſuam, Datam Decimo Die Februarii Anno Regni noſtri Triceſimo ſecundo, & Cartâ Reverendi in Chriſto Patris *Edwardi Archiepiſcopi Eborum & Decani & Capituli* ejuſdem dictæ Metropolitanæ Eccleſiæ Eborum, Datâ Octavo Die Martii Anno Regni noſtri Triceſimo ſecundo, Munitam Corroboratam & Confirmatam, Diſpoſuit, Dedit, Deſtinavit & Conceſſit nobis Hæredibus & Succeſſoribus noſtris, totum illud Archidiaconatum ſuum Richmondiæ prædictum in dicta Eccleſia Metropolitana Eborum,

Ac totam illam Rectoriam & Eccleſiam ſuam de Bolton in Londiſdale cum pertinentiis in Comitatu Lancaſtriæ,

Ac etiam omnes illas Rectorias & Eccleſias ſuas de Chapham, Eſingwood, & Thornton Stuerd, in Comitatu Eborum,

Ac totam illam Capellam ſive Cantariam ſuam de Raſtall cum pertinentiis in dicto Comitatu Eborum,

Ac etiam omnia & omnimodas Decimas, Oblationes, Obventiones, Terras, Glebas, Proficua, Commoditates, & Emolumenta quæcumque cum ſuis pertinentiis in dictis Comitatibus Lancaſtriæ & Eborum, ac alibi infra hoc Regnum noſtrum Angliæ, dictis Rectoriis & Eccleſiis & Capellis & earum cuilibet aut eorum alicui pertinentia ſive ſpectantia,

Necnon omnia & ſingula Maneria, Meſuagia, Grangias, Terras, Tenementa, Redditus, Reverſiones, Servitia, Paſcua, Boſcos, Subboſcos, Paſturas, Decimas, Oblationes, Terras, Glebas, Penſiones, Portiones, Rectorias, Appropriatas Vicarias, & Eccleſias, Capellas, Cantarias, Advocationes, Nominationes, Patronatus, Communias, Curias, Letas, Proficua Curiarum, Libertates, Francheſias, Privilegia, ac omnia alia Hæreditamenta, Proficua, Commoditates, Poſſeſſiones & Emolumenta quæcumque, cum ſuis pertinentiis univerſis in dictis Comitatibus Eborum, Lancaſtriæ, & in Civitate Eborum, ac alibi infra Regnum noſtrum Angliæ, dicto Archidiaconatui Richmondiæ pertinentia ſive aliquo modo ſpectantia, aut aliquo tempore antehac habita, nominata, cognita ſeu reputata fuerint ut Pars Parcella ſive Membra prædicti Archidiaconatûs Richmondiæ;

Habenda Tenenda & Gaudenda omnia & ſingula ſupradicta Archidiaconatûs Maneria, Meſuagia, Terras, Tenementa, Rectorias, Decimas, Oblationes, Obventiones, ac omnia & ſingula cætera Præmiſſa cum ſuis pertinentiis univerſis, Nobis, Hæredibus & Succeſſoribus noſtris, ad Opus & Uſum noſtrum, Hæredum & Succeſſorum noſtrorum imperpetuùm, prout pleniùs in dicta Carta continetur;

Et cum dictus *Willielmus Knyght* Archidiaconus Archidiaconatûs Ceſtriæ in Eccleſia Cathedrali Lichefeldenſi, ſimiliter per aliam Cartam ſuam datam Viceſimo Die Maii, Anno Regni noſtri Triceſimo Tertio, ac Reverendi in Chriſto Patris *Rolandi Epiſcopi Coventr. & Lichefeld.* & ejuſdem Loci *Decani & Capituli* Cartis Sigillis eorundem ſigillatis, Datis Viceſimo quarto & Viceſimo ſexto Die dicti Menſis Maii ſupradicti, Triceſimo tertio Anno Regni noſtri, munitam corroboratam & confirmatam, Diſpoſuit, Deſtinavit, Dedit & Conceſſit Nobis, Hæredibus & Succeſſoribus noſtris, totum illud prædictum Archidiaconatum Ceſtriæ, ac totam illam Præbendam ſuam de Bolton in dicta Eccleſia Cathedrali Lichfeldenſi in Comitatu Staffordiæ, eidem Archidiaconatui Ceſtrienſi annexum, cum ſuis pertinentiis,

Necnon omnia & ſingula Præbendas, Maneria, Meſuagia, Grangias, Terras, Tenementa, Redditus, Reverſiones, Servitia, Prata, Paſcua, Boſcos, Subboſcos, Paſturas, Decimas, Oblationes, Obventiones, Terras, Glebas, Penſiones, Portiones, Rectorias, appropriatas Vicarias, Eccleſias, Capellas, Cantarias, Advocationes, Nominationes, Patronatus, Communias, Letas, Curias, Proficua Curiarum, Libertates, Francheſias, Privilegia, ac omnia alia Hæreditamenta, Commoditates, Proficua, Poſſeſſiones, & Emolumenta quæcúmque cum ſuis pertinentiis univerſis, in Comitatibus Ceſtriæ, Staffordiæ, Lancaſtriæ, & Eborum, & in Civitate Ceſtriæ, ac alibi infra Regnum noſtrum Angliæ, dicto Archidiaconatui Ceſtriæ pertinentia ſive ſpectantia, aut quæ, aliquo tempore tunc antehac, habita, nominata, cognita ſeu reputata fuerunt ut Pars, Parcella & Membra prædicti Archidiaconatûs;

Habenda Tenenda & Gaudenda omnia & ſingula ſupradicti Archidiaconatûs Præbendas, Maneria, Meſuagia, ac eadem omnia & cætera ſuperius ſpecificata cum ſuis pertinentiis univerſis, Nobis, Hæredibus & Succeſſoribus noſtris, ad Opus & Uſum noſtrum, Hæredum & Succeſſorum noſtrorum imperpetuùm, prout per eaſdem Cartas pleniùs liquet,

Ratione quarum quidem Cartarum, Confirmationum, Conceſſionum, ac Corroborationum dictorum Archidiaconatuum Richmondiæ & Ceſtriæ cum ſuis Juribus & Pertinentiis univerſis, in Manibus & Poſſeſſione noſtris jam exiſtunt;

In dicti Epiſcopatûs & Eccleſiæ Cathedralis Ceſtrien. Supportationem ac in Propagationem Evangelii Jheſu Chriſti ibidem, totum prædictum Archidiaconatum Richmon. qui nuper in Eccleſia Metropolitana Ebor. & totum Archidiaconatum Ceſtriæ, qui dudùm in dicta Eccleſia Cathedrali Lichfeld. inſtituebantur, cum ſuis juribus & pertinentiis univerſis ſuperiùs ſpecificatis, dictæ *Sedi Epiſcopali Ceſtriæ* perpetuò Unimus, & Incorporamus, ac

Annecti-

Annectimus, ita quòd ambo illi Archidiaconatus, & eorum jura & pertinentia univerſa ſuperiùs ſigillatim memorata deinceps imperpetuùm ſint, & eſſe cenſeantur, Membra & Partes dictæ *Sedis & Epiſcopatûs Ceſtriæ*, poſſitque & poſſint dictus nunc *Epiſcopus Ceſtrienſis*, & ejus Succeſſores futuris temporibus exiſtentes, Fructus, Redditus, Proventus, ac cætera omnia & ſingula Præmiſſa, dictis Archidiaconatui Richmondiæ & Ceſtriæ pertinentes, ſicut cætera dicti Sedis & Epiſcopatûs ſui Ceſtriæ Res ſeu Bona eorum Epiſcoporum propriis Uſibus aſſignata vel aſſignanda, diſponere & ordinare, liberè etiam & licitè abſque impedimento vel gravamine noſtrorum, Hæredum aut Succeſſorum noſtrorum, aut aliorum quorumcumque:

Statuentes nihilominus & Decernentes quòd in dicta *Eccleſia Cathedrali Ceſtriæ* ſint Duo Archidiaconi, quorum unus Archidiaconus *Richemondiæ* & alter Archidiaconus *Ceſtriæ* nuncupentur imperpetuùm, & quòd dicti *Archidiaconi* Archidiaconatus ſuos hujuſmodi, ex Collatione *Epiſcopi Ceſtrienſis* qui pro tempore fuerit, recipiant, & *ipſi Epiſcopo* & Succeſſoribus ſuis pro tempore exiſtentibus, in his quæ Officium Archidiaconorum reſpiciunt, debitè & officioſè aſſiſtant, atque illi & illis Epiſcopo & Epiſcopis Ceſtrienſibus in hiis quæ Juriſdictionis fuerint ſubſint & obtemperent, ac tantummodo talem & tantam Juriſdictionem infra eoſdem Archidiaconatus ſuos exercebunt, & eorum quilibet excercebit ſive excercere faciet, qualem & quantam per dictum *Epiſcopum Ceſtrienſem* & ejus Succeſſores pro tempore exiſtentes eis ſeu eorum alteri committi & mandari contigerit, nihil quicquam aliud ampliuſve de Archidiaconatibus ſuis hujuſmodi, aut ratione eorundem, unquam percepturi vel conſequituri quàm *Centum* Libras Sterlingorum, Eis, ac inter eoſdem in Pecuniis numeratis per dictum nunc *Epiſcopum* & ejus Succeſſores pro tempore exiſtentes, æquis Portionibus, ſingulis Annis, ſolvendas & dividendas.

Et inſuper, Volentes Commoditati dicti nunc *Epiſcopi* & Succeſſorum ſuorum uberius provideri, Aulam quandam communiter vocatam *Primam Aulam* ſeu *Exteriorem*, cum majuſcula quadam Coquina, & cæteris Officiis eidem Aulæ pertinentibus, (Exceptâ & Reſervatâ Cellariâ, quâ è Curtilagio Itur ad Templum) necnon ſecundam Aulam ſeu Interiorem cum ſuis Pannariis, Promptuariis, ac cæteris ejuſdem Membris, Capellam cum ſuper-ædificato Cubiculo communiter ibidem vocato le *Chappell Chamber*, aliud item Cubiculum nuper Abbatis ibidem, cum Duabus Nauſulis & cum ſecretiori Cubiculo annexis, & aliis ſubterraniis Officiorum Locis, dicti nuper Abbatis Cubiculo ſpectantibus, Cubiculum ibidem communiter vocatum *Magnum Cubiculum* cum Officinis eidem appendentibus, in Turri etiam Duo Cubicula, alterum ſuperius & alterum inferius cum ſubterraneis Officinis eidem ſpectantibus, Conclave unum publicè appellatum *Abbots Parlour* cum Promptuariis & Pannariis eidem aſtructis, Coquinam minorem ſive Coquinam novam cum ſuis pertinentiis univerſis, Duo etiam Cubicula nuper in Tenura & Uſu *Roberti Radford* Clerici inter dictam Coquinam novam & dicti nuper Monaſterii Portas exiſtentia, cum Domo quadam nuper appellata *le Awmbrye*, Ortum etiam unum Feneſtris dicti magni Cubiculi ſubjacens, & continuo Muro Lapideo Septum & circumdatum, Stabula Duo, Curtilagium ſive Lignarium unum vocatum *le Kydde Yard*, & in magno Horreo ſpatium ſufficiens ad reponendum & recipiendum Octoginta Vehias Fœni & Straminis, dicto nunc *Epiſcopo Ceſtrien.* & ejus Succeſſoribus infra Scitum Septum & Circuitum dicti nuper Cænobii in Manſionem, Habitaculum, Palatium, & Uſum familiarem ſive domeſticum reſpectivè Damus & Concedimus, ita quod dictæ Aulæ, Cubicula, Cellaria, & cætera omnia & ſingula ſuperiùs expreſſa Manſioni ſive Hibitaculo nuper Abbatis ibidem ſpectantia, cum omnibus ſuis pertinentiis de cætero abhinc ſint, eſſe cenſeantur & appellentur Manſio, Habitaculum ſeu Palatium dicti nunc *Epiſcopi* & Succeſſorum ſuorum imperpetuúm.

Volumus inſuper, Ordinamus & Statuimus quòd dictus nunc *Epiſcopus Ceſtrienſis* & ejus Succeſſores pro tempore exiſtentes, omnibus & ſingulis Privilegiis, Libertatibus, & Præeminentiis gaudeant, potiantur & fruantur, in Civitate & Diœceſe Ceſtriæ quibus alii Epiſcopi Provinciæ Cantuarienſis in Civitatibus & Diœceſibus illis, in quibus eorum Sedes Epiſcopales reſpectivè conſiſtunt, gaudere & potiri dinoſcuntur; habeat quoque & habeant dictus nunc *Epiſcopus Ceſtrienſis* & ejus Succeſſores futuris temporibus exiſtentes, in Eccleſia Civitate & Diœceſe Ceſtriæ, tàm in *Clerum* & *Populum* eorumdem, quàm etiam in *Decanum* & *Capitulum* dictæ Eccleſiæ Chathedralis Ceſtriæ, illam eandem ac tam plenarium & efficacem Auctoritatem & Juriſdictionem Epiſcopalem quam *Epiſcopus Coventr. & Lichfeld.* in Diœceſe ſua in *Clerum & Populum*, ac in *Decanum* & *Capitulum* dictæ Eccleſiæ ſuæ Cathedralis Lichfelden. habere aut habuiſſe obtinere aut obtinuiſſe cenſeatur & dinoſcitur.

Ulterius, ut nulla impoſterúm inter *Archiepiſcopos Cantuarienſem & Eborum* oriatur Lis, Dubium, Diſſentio ſeu Controverſia de dictarum ſuarum Provinciarum Ambitu Præcinctu & Circuitu, Eò quòd totus ille dictus Archidiaconatus Richmondiæ olim fuerat Eborum Provinciæ, ac de eadem Provincia tàm de jure quam facto, Volumus, Statuimus, & Ordinamus per Præſentes quòd totus ille dictus Archidiaconatus Richmondiæ, Clerúſque & Populus infra eundem Archidiaconatum & quamlibet partem ejuſdem commorans ſeu moram trahens, & quemlibet eorumdem Parcella cenſeantur habeantur & reputentur tàm de jure quàm de facto, tàm infra Provinciam Cantuarienſem quàm de Provincia Cantuarienſi, ad omnem Juris effectum qui inde ſequi poteſt imperpetuùm.

Volumus inſuper, & per Præſentes Concedimus quòd idem *Epiſcopus* ſit *Corpus Corporatum* in Re & Nomine, Ipſumque pro uno Corpore Declaramus, Acceptamus, Ordinamus, Facimus & Conſtituimus imperpetuùm, habeatque Succeſſionem perpetuam, ac quòd Ipſe & Succeſſores ſui per Nomen & ſub Nomine *Epiſcopi Ceſtrienſis* nominabitur & vocabitur imperpetuùm, & quòd Ipſe & Succeſſores ſui per idem Nomen & ſub eodem Nomine Proſequi, Clamare, & Placitare ac implacitari, Defendere & Defendi, Reſpondere & Reſponderi, in quibuſcumque Curiis & Locis Legum noſtrarum ac Hæredum & Succeſſorum noſtrorum & alibi, in & ſuper omnibus & ſingulis Cauſis, Actionibus, Sectis, Brevibus & Demandis, Querelis realibus perſonalibus & mixtis, tàm Temporalibus quàm Spiritualibus, & in omnibus aliis Rebus Cauſis & Materiis quibuſcumque, & per idem Nomen Maneria, Dominia, Terras, Tenementa, Rectorias, Penſiones, Portiones, & alla quæcumq; Hæreditamenta, Poſſeſſiones, Proficua & Emolumenta, tàm Spiritualia ſive Eccleſiaſtica quàm Temporalia, ac alia quæcumque, per Literas Patentes præfato *Epiſcopo* & Succeſſoribus ſuis, per Nos ſeu Hæredes noſtros debito modo fiendas, vel per quamcumque Perſonam ſive quaſcumque alias Perſonas, ſecundùm Leges noſtras & Hæredum ſive Succeſſorum noſtrorum danda ſeu concedenda, capere, recipere, gaudere & perquirere, ac dare, alienare, & dimittere poſſit & poſſint, valeat & valeant, & generaliter omnia alia & ſingula recipere gaudere & facere, prout & eiſdem modo & formâ quibus ceteri Epiſcopi infra Regnum noſtrum Angliæ recipere aut facere poſſint, aut aliquis Epiſcopus infra Regnum noſtrum Angliæ recipere aut facere poſſit, & non aliter neque ullo alio modo.

Et ulterius Volumus & Ordinamus quòd Eccleſia Cathedralis prædicta ſit & deinceps imperpetuùm erit *Eccleſia Cathedralis Chriſti & Beatæ Mariæ Virginis, & Sedes Epiſcopalis* dicti Domini *Johannis Byrde* nunc Epiſcopi, & Succeſſorum ſuorum Epiſcoporum Ceſtrienſium, ipſamque Eccleſiam Cathedralem Honoribus, Inſigniis & Dignitatibus Sedis Epiſcopalis ac Cathedralis Eccleſiæ, per præſentes Decoramus, eandemque Sedem Epiſcopalem præfato *Johanni Byrde* nunc Epiſcopo, & Succeſſoribus ſuis Epiſcopis Ceſtrienſis, Damus & Concedimus per Præſentes, Habendam & Gaudendam eidem *Johanni Byrd nunc Epiſcopo,* & Succeſſoribus ſuis imperpetuùm, & quòd dictus nunc *Epiſcopus* & Succeſſores ſui Epiſcopi Ceſtrienſes, deinceps imperpetuùm habeant Sigillum autenticum, ſeu Sigilla autentica pro Rebus & Negotiis ſuis agendis Servitura, ad omnem Juris effectum ſimili modo & forma & non aliter neque aliquo alio modo quàm prout dictus *Epiſcopus Coventrienſis & Lichfeldenſis* habet aut habere poteſt.

Et, ut Eccleſia Cathedralis prædicta de Perſonis congruis & ſingulis Locis & Gradibus ſuis perimpleatur & decoretur,

Dilectum Nobis *Thomam Clerk* primum originalem & modernum *Decanum* prædictæ Eccleſiæ Cathedralis,

Ac *Willielmum Walle* primum Preſbiterum Præbendarium,
Ac *Nicholaum Buckſye* ſecundum Preſbiterum Præbendarium,
Ac *Thomam Neuton* tertium Preſbiterum Præbendarium,
Ac *Johannem Huet* quartum Preſbiterum Præbendarium,
Ac *Thomam Radford* quintum Preſbiterum Præbendarium,
Et *Rogerum Smyth* ſextum Preſbiterum Prebendarium, prædictæ Eccleſiæ Cathedralis, Tenore Præſentium, Facimus, Præficimus, Conſtituimus, & Ordinamus per Præſentes.

Volumus etiam & Ordinamus, ac eiſdem *Decano* & *Præbendariis* Concedimus per Præſentes, quòd prædicti *Decanus* & *Sex Præbendarii* de cætero ſint de ſe in Re & Nomine unum *Corpus Corporatum,* habeantque Succeſſionem perpetuam, & ſe gerent exhibebunt & occupabunt juxta & ſecundùm Ordinationem Regulas & Statuta Eis per Nos, in quadam Indentura impoſterùm fienda, ſpecificanda & declaranda, & quòd iidem *Decanus & Præbendarii* & Succeſſores ſui, *Decanus & Capitulum Ceſtrienſis Cathedralis Eccleſiæ Chriſti & Beatæ Mariæ Virginis* imperpetuùm vocabuntur & appellabuntur, & in præſenti vocentur & appellentur; & quòd præfati *Decanus & Præbendarii* Eccleſiæ Cathedralis prædictæ & Succeſſores ſui ſint & imperpetuùm erunt *Capitulum Epiſcopatûs Ceſtriæ,* ſitque idem *Capitulum* præfato nunc Epiſcopo & Succeſſoribus ſuis Epiſcopis Ceſtriæ perpetuis futuris temporibus annexum, incorporatum & Unitum, eiſdem modo & formâ quibus *Decanus & Capitulum* Eccleſiæ Cathedralis Lichfeldenſis in Civitate noſtra Lichfeldiæ *Epiſcopo Coventr. & Lichfelden.* aut Sedi Epiſcopali Lichfeldiæ annexatum, incorporatum & unitum exiſtit, ipſóſque *Decanum* & *Præbendarios* unum *Corpus Corporatum* in Re & Nomine Facimus, Creamus & Stabilimus, & eos pro uno Corpore Facimus, Declaramus & Stabilimus, & eos pro uno Corpore Facimus, Declaramus, Ordinamus, & Acceptamus, habeantque Succeſſionem perpetuam.

Et quòd ipſi *Decanus* & *Capitulum* eorumque Succeſſores per Nomen *Decani & Capituli Ceſtriæ Cathedralis Eccleſiæ Chriſti & Beatæ Mariæ Virginis* Proſequi, Clamare & Placitare poſſint & Implacitari, Defendere & Defendi, Reſpondere & Reſponderi, in quibuſcumque Curiis ac Locis Legum noſtrarum ac alibi, in & ſuper omnibus & ſingulis Cauſis, Actionibus, Sectis, Demandis, Brevibus, & Querelis realibus, ſpiritualibus, eccleſiaſticis, perſonalibus & Mixtis, & in omnibus aliis Rebus, Cauſis & Materiis quibuſcumque, prout *Decanus & Capitulum* dictæ Eccleſiæ Cathedralis Lichfeldenſis agere & facere poſſint; & per idem Nomen Maneria, Dominia, Terras, Tenementa, cætera quæcumque Hæreditamenta, Poſſeſſiones, Proficua & Emolumenta, tàm Spiritualia ſive Eccleſiaſtica quàm Temporalia, ac alia quæcumque, per Nos, per Literas noſtras Patentes Hæredum vel Succeſſorum noſtrorum, ſeu aliquam aliam Perſonam vel Perſonas quaſcumque, Eis & Succeſſoribus ſuis, vel aliter, ſecundùm Leges noſtras vel Hæredum ſeu Succeſſorum noſtrorum, danda ſeu Concedenda, capere, recipere, & perquirere, dare, alienare & dimittere, ac cætera omnia facere & exequi valeant & poſſint, prout cæteræ Eccleſiæ Cathedrales infra Regnum noſtrum Angliæ capere, recipere, perquirere, dare & dimittere, ac facere conſueverunt, aut exequi poſſint quoquomodo.

Et quòd *Decanus & Capitulum* Eccleſiæ Cathedralis Ceſtriæ Chriſti & Beatæ Mariæ Virginis prædictæ & Succeſſores ſui, imperpetuùm habeant & habebunt Commune Sigillum ad omnimodas Cartas, Evidentias, & cætera Scripta vel Facta ſua fienda, Eos, vel Ceſtrienſem Cathedralem Eccleſiam Chriſti & Beatæ Mariæ Virginis prædictam, aliquo modo tangentia ſive concernentia, ſigillandum, per quod Se & Succeſſores diſtringere & obligare poſſint & valeant ad tempus vel imperpetuùm, juxta & ſecundùm Tenorem ejuſdem Scripti ſic per illos ſigillati.

Et quia volumus etiam Ceſtrienſem Cathedralem Eccleſiam Chriſti & Beatæ Mariæ Virginis ad Laudem & Honorem Omnipotentis Dei honorificè Dotari, de ampliori Gratia noſtra Dedimus & Conceſſimus, ac per Præſentes Damus & Concedimus, præfatis *Decano & Capitulo* Ceſtrienſis Cathedralis Eccleſiæ Chriſti & Beatæ Mariæ Virginis prædictæ, totum prædictum ſcitum, Septum, Circuitum, Ambitum & Præcinctum ſupradictum, nuper Cœnobii ſive Monaſterii nuper vocati *Sanctæ Werburg*, cum omnibus antiquis Privilegiis, Libertatibus ac liberis Conſuetudinibus, ejuſdem nuper Cœnobii ſive Monaſterii (Exceptis ſemper, Reſervatis, & omninò Salvis, dicto nunc *Epiſcopo* & Succeſſoribus ſuis Epiſcopis, omnibus & ſingulis illis Locis, Aulis, Cubiculis, Officinis & cæteris prius ſpecificatis cum ſuis pertinentiis univerſis, & dictâ Juriſdictione Epiſcopali in dictam Eccleſiam Cathedralem Ceſtrienſem, & in dictos ejuſdem Loci *Decanum & Capitulum* & in eorum Succeſſores, in eiſdem modo & formâ quibus præfatum & præmiſſum eſt) ac totam Eccleſiam ibidem unà cum omnibus Capellis, Plumbis, Campanis, Campanilibus, Clauſtris, Dormitoriis, Tectis, Refectoriis, Cimiteriis, Meſuagiis, Domibus, Ædificiis, Curtilagiis, Ortis, Gardinis, Pomeriis, Stagnis, Vivariis, & cæteris omnibus Locis, Terris, & Territoriis infra eadem Scitum, Septum, Circuitum, Ambitum, & Præcinctum prædicti nuper Cœnobii ſive Monaſterii exiſtentibus, & quæ ut Pars Partes vel Parcellæ ejuſdem nuper Sciti ſive Monaſterii communiter fuerunt reputata ſive æſtimata, quæ nuper fuerunt prædicti nuper *Abbatis & Conventûs* in Jure nuper Monaſterii prædicti (Exceptis Præexceptis) ſimul cum omnibus & omnimodis Vaſibus, Jocalibus, Ornamentis, Bonis, Catallis, & Implementis, ejuſdem nuper Cœnobii ſive Monaſterii cum pertinentiis univerſis:

Habenda Tenenda & Gaudenda prædicta Scitum, Septum, Circuitum, Ambitum & Præcinctum ſupradicti nuper Monaſterii, unà cum omnibus Juribus, antiquis Privilegiis, Libertatibus, ac liberis Conſuetudinibus ſupradictis, ac cum prædicta Eccleſia, Capellis, Campanis, & Campanilibus, Clauſtris, Dormitoriis, Tectis, Refectoriis, Cimiteriis, Meſuagiis, Domibus, Ædificiis, Curtilagiis, Ortis, Gardinis, Pomariis, Stagnis, Vivariis, Terris & Territoriis infra dictum Scitum, Septum, Circuitum, Ambitum & Præcinctum dicti nuper Cœnobii ſive Monaſterii, ſimul cum prædictis Vaſibus, Jocalibus, Ornamentis, Bonis, Catallis, & Implementis ejuſdem nuper Cœnobii ſeu Monaſterii, ac cum cæteris omnibus & ſingulis Præmiſſis ſuperiùs ſpecificatis cum ſuis pertinentiis (Exceptis Præexceptis) præfatis *Decano & Capitulo* Ceſtrienſis Cathedralis Eccleſiæ Chriſti & Beatæ Mariæ Virginis prædictæ & Succeſſoribus ſuis imperpetuùm, de Nobis Hæredibus & Succeſſoribus noſtris, in liberam puram & perpetuam Eleemoſinam.

Volumus etiam & per Præſentes Concedimus præfatis *Decano & Capitulo* dictæ Ceſtrienſis Cathedralis Eccleſiæ Chriſti & Beatæ Mariæ Virginis & Succeſſoribus ſuis, quòd *Decanus* Eccleſiæ Cathedralis illius, pro tempore exiſtens, omnes & ſingulos inferiores ejuſdem Eccleſiæ Cathedralis Officiarios & Miniſtros, ac alias prædictæ Eccleſiæ Cathedralis Ceſtrienſis Chriſti & Beatæ Mariæ Virginis quaſcumq; Perſonas, prout Caſus ſeu Cauſa exiget, faciet, conſtituet, admittet & acceptabit, de tempore in tempus imperpetuùm; & Eos ac eorum quemlibet ſic admiſſos vel admiſſum ob Cauſam legittimam non ſolùm corrigere ſed etiam deponere, & ab eadem Eccleſia Cathedrali amovere & expellere poſſit & valeat (ſalvis Nobis Hæredibus & Succeſſoribus noſtris Titulo, Jure & Auctoritate *Decanos*, *Prebendarios*, & omnes *Pauperes* ex Liberalitate noſtra ibidem Viventes, de tempore in tempus Nominandi Aſſignandi & Præficiendi qualitercumque & quotienſcumque Eccleſia Cathedralis prædicta de *Decano*, *Præbendariis* vel *Pauperibus* prædictis vel eorum aliquo, per Mortem vel aliter vacare contigerit, per Literas noſtras Patentes de tempore in tempus ordinare, præficere & præſentare) aliquo in Præſentibus ſupraſcripto in contrarium inde non obſtante.

Denique,

Ad Diluendum, Reſolvendum, penituſque Delendum omnia, omnimoda, ſingula & univerſa Dubia, Lites, Controverſias & Diſſidea quæ futuris temporibus, quod abſit, inter hujus Regni noſtri Epiſcopos de & circa Limites & Circuitus Diœceſuum & Juriſdictionum ſuarum Epiſcopalium oriri, eſſe, & haberi poſſint,

Ex Auctoritate Parliamenti, Nobis in hac parte conceſſa, Volumus, Ordinamus & Statuimus quòd dicti Archidiaconatus Ceſtriæ & Richmondiæ, cum ſuis Juribus & Pertinentiis univerſis, a dicto *Archiepiſcopo Eborum* & ejus Succeſſoribus, & a dicto *Epiſcopo Coventr. & Lichfelden.* & ejus Succeſſoribus, & ab eorum utróque, & ab eorum Eccleſiis Cathedralibus, & ab eorum, & eorum utrâque Juriſdictione, Auctoritate, & Diœceſibus penitùs Amoveantur, Abſcindantur, Dividantur, Eximantur imperpetuùm, eoſdem Archidiaconatus, & eorum utriuſque Circuitum, Limites, Juriſdictiones, cæteráſque omnes eorundem Libertates, dicto Epiſcopatui Ceſtriæ Annectimus, Incorporamus, & Unimus per præſentes, necnon totos & univerſos Comitatus noſtros Ceſtriæ & Lancaſtriæ, ac utróſque prædictos Archidiaconatus, unà cum omnibus & ſingulis Terris, Dominiis, Maneriis, Tenementis, Obventionibus, Emolumentis, & Locis quibuſcúmq; aliis, dicto Epiſcopatui Ceſtriæ, aut dictæ Eccleſiæ Cathedrali Ceſtriæ & ejuſdem Loci *Decano & Capitulo*, aut dictis Archidiaconatibus Richmondiæ & Ceſtriæ aut eorum alicui, tamquam Pars & Parcella eorundem aut eorum alicujus, ſpectantibus & pertinentibus, aut quæ impoſterùm ſpectabunt & pertinebunt, in quibuſcumque Comitatu aut Comitatibus hujus Regni noſtri ſunt, jacent, aut exiſtunt, cum omnibus ſuis Juribus & Pertinentiis univerſis, ab omni & omnimoda aliorum omnium Epiſcoporum Juriſdictione & Auctoritate, tàm Ordinaria quàm Epiſcopali, Separamus & Dividimus per Præſentes imperpetuùm, eadémque omnia & ſingula & eorum Parcellas, cum ſuis Pertinentiis & Juribus univerſis, in unam unicam & integram Diœceſim dicti nunc *Epiſcopi Ceſtrienſis* & Succeſſorum ſuorum Aſſignamus, Unimus, Damus, & Concedimus per Præſentes imperpetuùm; eadémque omnia & ſingula inde & ſub Nomine Ceſtrienſis Diœceſis comprehendi, appellari, cenſeri, æſtimari, & reputari, dictóque nunc *Epiſcopo Ceſtrienſi* & Succeſſoribus ſuis Epiſcopis, quoad omnem Juriſdictionem Eccleſiaſticam & Epiſcopalem ibidem, ſubeſſe, obedire & obtemperare Volumus, Jubemus, Mandamus, Ordinamus & Statuimus per Præſentes futuris Temporibus imperpetuum.

Metropoliticâ, & Archiepiſcopali Prærogativâ *Cantuarienſis Archiepiſcopi* in eiſdem Diœceſe & Civitate Ceſtriæ, prout ſunt & eſſe debuerunt, tanquam in aliis Diœceſibus & Civitatibus Cantuarienſis Provinciæ ſemper Reſervatâ.

Volumus etiam, & per Præſentes Concedimus, tàm *præfato Epiſcopo* quàm *Decano & Capitulo*, quòd habeat aut habebit, habeant & habebunt, has Literas noſtras Patentes, ſub Magno Sigillo noſtro Angliæ debito modo factas & ſigillatas, abſq; Fine ſeu Feodo, magno vel parvo, Nobis in Hanaperio noſtro, ſeu alibi, ad uſum noſtrum proinde quoquo modo ſolvendo vel faciendo;

Eo quòd expreſſa mentio &c.

In cujus &c.

Teſte Rege apud *Walden* Quarto Die Auguſti. 1541.

Per Breve de Privato Sigillo.

VII. *Conceſſio Decanatûs de Novâ Fundatione, per Literas Patentes Regias.* Pag. 173.

The Deanry of *Canterbury* being vacant,

Regiſt. Whitgift, Vol. 2. f. 346, a.

ELIZABETH, Dei gratiâ Angliæ, Franciæ & Hiberniæ Regina, Fidei Defenſor, &c. omnibus ad quos præſentes Literæ pervenerint Salutem. Sciatis, quòd Nos de gratiâ noſtrâ Speciali, & ex certâ Scientiâ ac mero motu noſtris, dedimus & conceſſimus, ac per præſentes pro Nobis, Hæredibus & Succeſſoribus noſtris, damus & concedimus, Dilecto Servienti noſtro Thomæ Nevil Sacræ Theologiæ Profeſſori, ac uni Capellanorum noſtrorum Ordinariorum, Decanatum Eccleſiæ noſtræ Cathedralis & Metropoliticæ Chriſti Cantuarienſis, per mortem ultimi Decani ejuſdem jam vacan.' & ad noſtram Donationem pleno Jure ſpectan', ac ipſum Thomam Nevil, Decanum præfatæ Eccleſiæ Cathedralis & Metropoliticæ Chriſti Cantuarienſis facimus, ordinamus, & conſtituimus per præſentes; Habend.' Gaudend.' & Tenend.' Decanatum prædictum præfato Thomæ Nevil, durante vitâ ſuâ naturali, cum omnibus & ſingulis Juribus, Juriſdictionibus, Libertatibus, Privilegiis, Titulis, quotidianis Diſtributionibus, dividenciis, excreſcentiis, refectionibus,

—the Queen grants it by Letters Patents, to be had during life, fectionibus, manſionibus, domibus, ædificiis, terris, tenementis, pratis, paſcuis, paſturis, hortis, pomariis, gardinis, clauſuris, boſcis, ſubboſcis, reditibus, reventionibus, ſervitiis, communiis, aquis, ſtagnis, piſcariis, piſcationibus, ac omnibus & omnimodis aliis proficuis, allocationibus, commoditatibus, advantagiis, emolumentis, & hæreditamentis quibuſcunque, eidem Decanatui pertinentibus ſive ſpectantibus, vel qualitercunque annexatis, vel impoſterum annexandis; in tam amplis modo & formâ, prout ultimus Decanus ibidem, vel aliquis alius Decanus Eccleſiæ Cathedralis & Metropoliticæ prædictæ, eundem Decanatum habens, tenuit, habuit vel gaviſus fuit, aut habere vel gaudere debuit: Mandantes, ac per præſentes pro Nobis, Hæredibus, & Succeſſoribus noſtris firmiter injungendo præcipientes Capitulo & Canonicis, & aliis quibuſcunque poteſtatem in hac parte habentibus ſufficientem, quòd ad dictum Decanatum Eccleſiæ Cathedralis & Metropoliticæ prædictæ præfatum Thomam Nevil admittant, ipſúmque Decanum ibidem ritè & legitimè Inſtituant & Inveſtiant, Cæteráque omnia & ſingula quæ in hac parte fuerint quomodolibet opportuna & neceſſaria faciant, peragant, & perimpleant, & quivis eorum faciat, peragat & perimpleat. In cujus rei teſtimonium has literas noſtras fieri fecimus 1596. Patentes. Teſte meipſâ apud Weſtmonaſterium, viceſimo quinto die Junii, Anno Regni Noſtri Triceſimo octavo.

— requiring all Perſons concerned, to give him the due Poſſeſſion thereof.

Pag. 173.

VIII. *Inſtitutio in Decanatum de* Novâ *Fundatione.*

† Whitgift, Regiſtr. Vol. 2. f. 346.

The Deanry of *Canterbury* being given by the Queen,

† JOHANNES, Divinâ Providentiâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto Nobis in Chriſto *Thomæ Nevil*, ſacræ Theologiæ Profeſſori, ac uno Capellanorum Ordinariorum Illuſtriſſimæ in Chriſto Principis, Dominæ noſtræ Dominæ Elizabethæ, Dei gratiâ Angliæ, Franciæ & Hiberniæ Reginæ, Fidei Defenſoris, &c. Salutem & Gratiam. Cùm dicta ſereniſſima Domina noſtra Regina, per Literas ſuas Patentes, gerentes dat.' apud Weſtmonaſterium viceſimo quinto die Junii Anno Regni ſui triceſimo nono, dederit & conceſſerit tibi præfato *Thomæ Nevil* Decanatum Eccleſiæ Cathedralis & Metropoliticæ Chriſti Cantuarienſis, per mortem ultimi Decani ejuſdem vacantem, & ad ſuam Donationem pleno Jure ſpectantem, ac, te Decanum præfatæ Eccleſiæ Cathedralis & Metropoliticæ Chriſti Cantuarienſis fecerit, ordinaverit, & conſtituerit, Habendum, &c. * Cumque inſuper tu præfatus Thomas Nevil Literas Patentes Regias prædictas coram Nobis exhibueris, teque ad prædictum Decanatum ſive Dignitatem Decanalem in eâdem Eccleſiâ Cathedrali & Metropoliticâ Chriſti Cantuarienſi, ſic (ut præfertur) vacan.' Admitti, ac in & de eodem Inſtitui & Inveſtiri authoritate noſtrâ petieris; Ad dictum igitur Decanatum ſive Dignitatem Decanalem in Eccleſiâ noſtrâ Cathedrali & Metropoliticâ Chriſti Cantuarienſi, per mortem naturalem ultimi Decani ibidem, ut præfertur, vacantem, Te (primitùs non ſolùm de agnoſcendo Regiam Supremam poteſtatem in Cauſis Eccleſiaſticis & Temporalibus, ac de renunciando, refutando, & recuſando omni & omnimodæ Juriſdictioni, Poteſtati, Authoritati, & Superioritati, foraneis, juxta vim, formam & effectum Statuti Parliamenti hujus inclyti Regni Angliæ in eâ parte editi & proviſi, nec non de Legitimâ & Canonicâ Obedientiâ, nobis & Succeſſoribus noſtris, in omnibus licitis & honeſtis mandatis per te præſtandâ & exhibendâ, verùm etiam de bene & fideliter obſervando Statuta & Ordinationes, ac legitimas & approbatas Conſuetudines Eccleſiæ noſtræ Cathedralis & Metropoliticæ Chriſti Cantuarienſis prædictæ, quatenùs Te, ratione ejuſdem Decanatûs concernunt, ad ſancta Dei Evangelia ritè juratum) Admittimus, Teque Decanum ejuſdem Eccleſiæ, ac in & de eadem, Inſtituimus canonicè & inveſtimus, cum ſuis Juribus, membris, dignitatibus, prærogativis, præ-eminentiis, & pertinentiis univerſis; Stallúmque in choro ac locum & vocem in Capitulo Eccleſiæ noſtræ Cathedralis & Metropoliticæ Chriſti Cantuarienſis prædictæ ad eundem Decanatum ſive Dignitatem Decanalem ſpectantem & pertinentem, ac eidem hactenùs aſſignari ſolitum & conſuetum, tibi, harum ſerie, Aſſignamus & Limitamus; † Juribus noſtris Archiepiſcopalibus Cantuarienſibus, Et Eccleſiæ noſtræ Cathedralis & Metropoliticæ Chriſti Cantuarienſis prædictæ, dignitate & honore in omnibus ſemper ſalvis. In cujus rei Teſtimonium, Sigillum quo in hac parte utimur, præſentibus apponi fecimus. Datum viceſimo octavo die Menſis Junii, Anno Domini M°D°lxxxxvi°. 1596. Et noſtræ Tranſlationis Anno Decimo quarto.

* Hic Summariè recitantur Literæ Patentes Regiæ prædictæ.

— and the Letters Patents Exhibited to the Ordinary,

— He gives Admiſſion and Inſtitution.

† Poſt Inſtitutionem, emanant Literæ Ordinarii ad *Inſtallandum*, more conſueto.

IX. *Proceſſus ſuper Inſtallatione Archidiaconi per Præbendarios, poſt Recuſationem Decani & Capituli.*

Recites, The Collation of the Archdeacon, and Mandate of Inſtallment directed to the Dean and Chapter,

—and the Dean's Refuſal to Inſtall,

—and the granting another Mandate to the Prebendaries,

—who Inſtall'd him.

Grind. 259, b.

Negotium Inſtallationis Magiſtri Theophili Aelmer, Clerici, ad Archidiaconat.' London.'

DIE Sabbati, ſcilicet, triceſimo Die Menſis Octobris, Anno Domini 1591, in Domo ſolitæ Habitationis Magiſtri Alexandri Nowelli, Decani Eccleſiæ Cathedralis Divi Pauli London.' ex Parte auſtrali dictæ Eccleſiæ Cathedralis ſituat.' ac coram eodem in Præſentiis mei Rogeri Cole & Richardi Goodman Notarior.' Publicor.' ſpecialitèr aſſumpt.' comparuit perſonalitèr Magiſter Theophilus Aelmer Clericus, Artium Magiſter, aliàs per Reverendum Patrem antedict.' ad Archidiaconat.' London.' intuitu Charitatis collatus & admiſſus, &, cum ea qua decuit Reverentia, exhibuit dicto Decano, Manibus ſuis propriis, mandatum dicti Reverendi Patris, ſub Sigillo ſuo commune, eidem Decano & Capitulo ejuſdem Eccleſiæ direct.' pro Inſtallatione ejuſdem Theophili Aelmer in dictum Archidiaconat.' London.' fiend'; & inſtantèr petiit quatenus idem Decanus, juxta tenorem ejuſdem Reverendi Patris Mandati, ipſum in Archidiaconatum London.' prædict.' prout Moris fuit, & eſt, induceret & inſtallaret, ſeu induci & inſtallari faceret aut permitteret; idque iterum atque iterum à dicto Decano inſtantèr inſtantiùs & inſtantiſſimè petiit, dictus tamen Decanus, non obſtante hujuſmodi Petitione dicti Theophili Aelmer, contentis in mandato nullo modo ſatisfacere voluit, aut ut fieret, conſenſit, verùm etiam aperta voce, idque furori permotus ſignificavit, dictum Magiſtrum Theophilum Aelmer Clericum fuiſſe & eſſe admodum Juvenem Curam Doctorum ſenior.' eidem Archidiaconatui ſpectan.' in ſe aſſumere, ſeque velle ſuper dicta Petitione per aliquod tempus deliberare, & Juriſperitis ſuper eadem conſulere, eò quòd dictus Dominus Epiſcopus, ſibi ſuperior, poterit tam illicitum quam licitum inferiori in Scriptis mandare; & ſic dictum mandatum ſecum retinuit, & adhuc habet, & præfato Magiſtro Theophilo Aelmer retradere renuit & diſtulit, uti dictus Decanus aſſeruit, præſentibus Partibus antedictis: Unde Dominus Epiſcopus poſtea, eodem die, direxit aliud mandatum ſub Sigillo ſuo Epiſcopali, aliis Canonicis & Præbendariis dictæ Eccleſiæ Cathedralis, pro Inductione & Inſtallatione dicti Magiſtri Aelmer ad Archidiaconat.' London.' prædict.' ut poſtea apparet; cujus vigore, Magiſter Lancelotus Andrew Clericus, Sacræ Theologiæ Profeſſor, & Magiſter Cotton Clericus, Artium Magiſter, Canonici & Prebendarii dictæ Eccleſiæ Cathedralis, immediatè poſt Preces veſpertinas eundem Magiſtrum Aelmer, juxta tenorem hujuſmodi ultimi mandati eis & aliis Præbendariis direct.' induxerunt & inſtallarunt; & Stallum quoque in Choro, & Locum in Capitulo, eidem Magiſtro Aelmer ſolit.' aſſignârunt. Præſentibus tunc & ibidem Magiſtro Thoma Redman Notario, Publico, Regiſtrario dicti Decani & Capituli, nec non me Rogero Cole, Richardo Goodman, Notariis Publicis, & Radulpho Iles Literato, Apparitore generali dicti Reverendi Patris Domini Epiſcopi London.'

The Tenor of the ſecond Mandate,

—reciting the Collation, and firſt Mandate,

—and the Dean's Refuſal to Inſtall,

JOHANNES Permiſſione divinâ London.' Epiſcopus, Dilectis Nobis in Chriſto Lanceloto Andrews Clerico, Sacræ Theologiæ Profeſſori, Willielmo Cotton Clerico, Artium Magiſtro, Willielmo Gravett, Willielmo Hutchinſon Clericis, Sacræ Theologiæ Baccalar.' & Georgio Dycons Clerico, Artium Magiſtro, Canonicis ſive Præbendariis in Eccleſia noſtra Cathedrali Divi Pauli London.' nec non Univerſis & Singulis aliis Canonicis ſive Præbendariis in eadem Eccleſia noſtra Cathedrali Divi Pauli London.' prædict.' quibuſcunque, Salutem in Domino. Ex Parte Dilecti Nobis in Chriſto Theophili Aelmer Clerici in Artibus Magiſtri, ſacri Verbi Dei Prædicatoris, Nobis extitit jam pridem gravi cum querela monſtratum, Quòd cum Nos, aliàs ritè & legitimè procedentes, Archidiaconatum London.' in dicta Eccleſia noſtra Cathedrali Divi Pauli London.' per Mortem naturalem Magiſtri Johannis Mullyns Clerici, ultimi Archidiaconi & Poſſeſſoris ejuſdem vacantem, & ad noſtram Donationem & Collationem pleno Jure ſpectan.' eidem Theophilo Aelmer, Intuitu Charitatis contulerimus, ipſumque Archidiaconum dicti Archidiaconatûs, ac in & de eodem canonicè inſtituerimus & inveſtiverimus cum ſuis Juribus & Pertinentiis univerſis; ac inſuper Decano & Capitulo Eccleſiæ noſtræ Cathedralis Sancti Pauli London.' prædict.' ſcripſerimus, & firmitèr injungendo mandaverimus, quatenus eundem Theophilum Aelmer, ſeu ejus Procuratorem in ea parte legitimum quemcunque, ejus vice ac pro eo, in realem, actualem & corporalem Poſſeſſionem dicti Archidiaconatûs Juriumque ſuorum inducerent, & inſtallarent, & induci & inſtallari facerent; Stallumque in Choro ac Locum in Capitulo eidem Archidiaconatui aſſignari ſolit.' eidem Theophilo Aelmer effectualitèr aſſignarent, prout per Literas noſtras in & de præmiſſis factas & emiſſas plenius liquet & apparet; quòdque ulteriùs, licet idem Theophilus Aelmer eaſdem Literas noſtras mandatarias pro ejus Inductione & Inſtallatione prædict.' ut præfertur, ſcript.' præfatis Decano & Capitulo, aut ſaltem Decano prædicto, exhibuerit ſeu exhiberi quantùm in eo fuit curaverit, & ſe, juxta vim & effectum earum Literarum mandatariarum, in Archidiaconat.' London.' prædict.' induci & inſtallari, cæteraque fieri, eaſdemque Executioni mandari juxta earundem tenorem debitè & humilitèr, ſæpe, aut ſemel ſaltem, petierit; præfati tamen Decanus & Capitulum antedictum Theophilum Aelmer ad & in dictum Archidiaconat.' London.' inducere & inſtallare, aut eaſdem Literas mandatarias Executioni mandare noluerunt, ſed recuſârunt, aut noluit ſed recuſavit Decanus prædict.' ſeu ſaltem plus juſto diſtulerunt aut diſtulit, abſque aliquâ cauſâ legitimâ ſubſiſtente, in ejuſdem Theophili Aelmer Præjudicium non modicum & gravamen; quâ in parte Fidem nobis ſufficien.' fecit; Unde, ex parte antedicti Theophili Aelmer Nobis humilitèr ſupplicatum extitit, quatenus ſibi de Remedio in præmiſſis congruo providere dignaremur: Quocirca Nos, nolentes parti hujuſmodi querelan.' in ſua deeſſe Juſtitia, prout nec debemus, Vobis conjunctim & diviſim comittimus & firmitèr injungendo mandamus, quatenus prænominat.' Theophilum Aelmer Clericum, ſeu ejus Procuratorem legitimum quemcunque, vice & nomine ſuis ac pro eo, in realem, actualem & corporalem poſſeſſionem dicti Archidiaconatûs London.' Juriumque & pertinentium ſuorum univerſorum, inducatis & inſtalletis, inducive & inſtallari faciatis; Stallumque in Choro, & Locum in Capitulo eidem Archidiaconatui ab antiquo aſſignari ſolit.' ſupradicto Theophilo Aelmer effectualitèr aſſignetis; ſalvo ſemper Feodo Decano & Capitulo prædict.' in hac parte debit.' quod omninò eſſe ſolvi volumus, ſi accipere velint. Et quid in præmiſſis feceritis, Nos, aut Vicar.' noſtrum in Spiritualibus Generalem, aut Commiſſarium legitimum quemcunque, cum ad id ex parte dicti Theophili Aelmer Clerici debitè fueritis requiſiti, debitè certificetis, ſeu ſic certificet ille veſtrûm qui præſens hoc noſtrum Mandatum fuerit executus, perſonaliter, vel aliàs authenticè Literis ſuis Paten.' harum Seriem in ſe continen.' Dat.' in Palatio noſtro Epiſcopali London.' penultimo Die Menſis Octobris, Anno 1591. Domini milleſimo quingenteſimo nonageſimo primo, noſtræque Conſecrationis Anno decimo quinto.

—and giving Power to the Prebendaries to Inſtall him.

Will. Blackwell, Deputatus
M^{ri}. Johnſon Regiſtrarii.

X. *Literæ Patentes Regiæ Majeſtatis, conceſſæ pro Erectione & Fundatione novæ Eccleſiæ.*

Grind. Lond. f.34. a.

ELIZABETHA Dei Gratiâ Angliæ Franciæ & Hiberniæ Regina, Fidei Defenſor &c. Omnibus ad quos præſentes Literæ pervenerint Salutem. Cùm ex parte Parochianorum & Inhabitantium Parochiæ de Woodham Waters in Com.' noſtro Eſſexiæ, de Patronatu perdilecti & fidelis Conſanguinei noſtri Thomæ Comitis Suſſexiæ exiſten.' London.' Diœc.' per ipſum Comitem Nobis nuper expoſitum extitit paritèr & ſuggeſtum, quòd Eccleſia Parochialis prædict.' in magnam Ruinam & Decaſum dilapſa exiſtit, quòdque Ratione magnæ Diſtantiæ à Villa de Woodham Waters in Com.' prædict.' inhabitan.' & reſiden.' infra Villam prædict.' valde nociva exiſtit, ſic quòd Legei & Subditi noſtri tam infra Villam prædict.' comoran.' quam ad dictam Villam frequen.' & divina Servitia in eadem Eccleſia parochiali audire cupientes, multoties ad divina Servitia ibidem celebrand.' propter magnam Loci Diſtantiam adeſſe non poſſunt, verùm etiam infirmi, pregnantes, & alii impotentes infra Villam prædict.' ſine grandi Labore & Periculo corporum ſuorum, ad dictam parochialem Eccleſiam pro divinis Servitiis ibidem audiend.' & pro Sacramentis Eccleſiæ ibidem recipiend.' tempore congruo venire minime valent & poſſunt: Sciatis igitur, quòd Nos præmiſſa conſiderantes, volumus, ac pro Nobis, Heredibus & Succeſſoribus noſtris, per præſentes concedimus præfato Thomæ Comiti Suſſexiæ, & Heredibus & Aſſignatis ſuis, quòd ipſi, in aliquo tali convenienti Loco, prout eis ſeu eorum alicui magis expediens & neceſſarium fore videbitur, conſtruere & edificare poſſunt de novo, infra Parochiam de Woodham Waters prædict.' unam aliam Eccleſiam parochialem, unà cum Cæmiterio eidem adjacen.' quæ erit & vocabitur Eccleſia parochialis de Woodham Waters prædict.' in Com.' Eſſexiæ, diſtinctè & ſeperatìm ab aliis Parochiis, ac ipſam Eccleſiam Parochialem, cum ſic erect.' & edificat.' fuerit, Eccleſiam parochialem de Woodham Waters in Com.' Eſſexiæ, pro omnibus inhabitantibus infra prædictam Villam & Parochiam de Woodham Waters, facimus, ordinamus, erigimus, & ſtabilimus per Præſentes perpetuis futuris temporibus duratur.' Ac quòd omnes & ſinguli inhabitantes infra Villam & Parochiam de Woodham Waters prædict.' qui nunc ſunt, & qui pro tempore erunt, de cætero imperpetuò habeantur & reputentur de Parochia, & in Parochia dictæ Eccleſiæ parochialis de Woodham Waters prædict.' de novo edificand.' Et quòd dicta antiqua Eccleſia parochialis de Woodham Waters prædict.' poſtquam illa nova Eccleſia parochialis per præfatum Thomam Comitem Suſſexiæ aut Heredes vel aſſignat.' ſuos ſic erect.' & edificat.' fuerit, de cætero non erit, nec tenebitur, reputabitur, acceptabitur; ulterius ut Eccleſia parochialis Parochiæ de Woodham Waters; ac etiam quòd omnia & omnimoda Sacramenta & Sacramentalia de cætero erunt adminiſtrat.' habit.' & occupat.' infra dictam Eccleſiam parochialem de novo erigend.' & edificand.' pro omnibus & omnimodis Paroch.' prædict.' ac pro omnibus & omnimodis aliis perſonis in eandem Eccleſiam confluen.' in tam amplis modo & forma, prout ea omnia & ſingula

Recites, that the old Church was ruinous, and inconveniently plac'd,

—and grants Licence to erect a new one in a place more convenient,

—which ſhall be the Pariſh Church,

—and be us'd and frequented as ſuch,

— notwithſtanding the Statute of *Mortmain.*

antehac habit.' & uſitat.' fuere in dicta antiqua parochiali Eccleſia de Woodham Waters prædict.' Et Rector dictæ Eccleſiæ parochialis & Succeſſores ſui habeant, teneant, & poſſideant, omnes & omnimodas decimas, Oblationes, Obventiones, Penſiones, Portiones, Fructus, Proficua, & Emolumenta quæcunque dictæ Rectoriæ quoquomodo pertinen.' & ſpectan.' in tam amplis modo & forma, prout prædictus Rector, aut aliquis Prædeceſſorum ſuorum, perantea habuerunt, tenuerunt, & gaviſi fuerunt. Volentes inſuper, & per Præſentes firmiter injungend.' præcipien.' pro nobis Heredibus & Succeſſoribus noſtris, omnimod.' & omnimod.' ſubditis noſtris qui nunc ſunt, & qui pro tempore erunt, cujuſcunque Gradûs ſive Conditionis fuerint, quòd permittant, & quilibet eorum permittat, Rectorem Eccleſiæ parochialis prædict.' cuſtod.' bonor.' & catallorum, ac aliorum Ornamentor.' Eccleſiæ prædict.' necnon Parochianos inhabitantes Parochiæ prædict.' & Succeſſores ſuos pro tempore exiſten.' & eorum quemlibet, quòd habeant, teneant, gaudeant, & poſſideant, omnia & omnimod.' eis in hac Conceſſione noſtrâ conceſſa & confirmata, ſecundùm vim, formam & effect.' conceſſionis noſtræ præd.' abſque aliqua Moleſtatione, Gravamine, Inquietatione, Vexatione, ſeu Perturbatione noſtri, Heredum vel Succeſſorum noſtrorum, aut aliorum Officiarior.' Miniſtror.' ſeu Subditor.' noſtrorum, aut Heredum vel Succeſſor.' noſtrorum quorumcunque; Statuto de terris & tenementis ad manum mortuam non ponend.' aut alio aliquo Statuto, Actu, Ordinatione, Proviſione, ſive Reſtrictione inde in contrarium fact.' edit. ordinat. ſive proviſ.' aut aliqua alia re cauſa vel materia quacunque, in aliquo non obſtan.', Eò quòd expreſſa mentio de Certitudine præmiſſor.' ſeu eorum alicujus, aut de aliis donis ſive Succeſſionibus per nos, vel per aliquem progenitor.' ſive prædeceſſor.' noſtrorum, præfato Thomæ Comiti Suſſexiæ ante hæc tempora fact.' in Præſentibus minime fact.' exiſtit, aut aliquo Statuto, Actu, Ordinatione, Proviſione, Proclamatione, ſive Reſtitutione, in contrar.' inde ante hac habit.' fact.' edit.' ordinat.' ſive proviſ. aut aliqua alia re cauſa vel materia quacunque in aliquo non obſtan.' In cujus Rei Teſtimonium has Literas noſtras fieri fecimus patentes, Teſte me ipſâ apud Weſtm.' viceſimo ſexto Die Junii Anno Regni noſtri quarto.

Per breve de privato Sigillo & de dat.' prædict.' Auctoritate Parliamenti.

XI. *Licentia pro Tranſlatione Eccleſiæ Parochialis ad alium Locum.*

Recites — The Inconveniencies of the preſent Situation of the Church,

Braybrook, f. 348. a.

ROBERTUS Permiſſione Divinâ Londonien.' Epiſcopus, Dilectis in Chriſto Filiis Willielmo Molyner, Johanni Lilleſton, Willielmo Soninan & Johanni Cheſman, Parochianis Eccleſiæ Parochialis de Tybourne, noſtræ Dioc.' ac omnibus aliis Parochianis dictæ Eccleſiæ, Salutem, Gratiam & Benedictionem.

Oblata nobis pro parte veſtrâ Petitio continebat, quòd cum dicta Eccleſia fuerit & ſit juxta Stratam publicam in Loco nimis deſolato fundata pariter & conſtructa, ac propter Latronum Inſidias & Depredationes, Libri, Veſtimenta, Imagines, Campanæ & cætera Ornamenta ejuſdem Eccleſiæ, inibi conſervari minime valeant ut deberent; quòdque, Occaſione prædictâ, divinum Officium in eadem prout convenit celebrari non valeat, nec vos Parochiani prædicti, pro divinis inibi audiend.' nec Sacramentis aut Sacramentalibus Eccleſiaſticis ibidem percipiendis, ad eam accedere commode poteritis ut debetis, propter quod pro parte veſtra nobis fuit humiliter ſupplicatum, ut Eccleſiam prædictam ad Locum alium infra dictam Parochiam magis congruentem transferre, & ibidem Eccleſiam de novo conſtruere & edificare, vobis Licentiam concedere dignaremur:

—and gives Licence to build a new one elſewhere,

— with the Addition of a Church-Yard to be duly conſecrated, — and the old Church-Yard not to be profan'd.

Nos igitur, attendentes Petitionem & Supplicationem veſtras hujuſmodi fore juſtas & conſonas Rationi, ad transferend.' Eccleſiam veſtram antiquam ad & in Locum ubi de Licentia noſtra nova Capella infra Fines & Limites dictæ Parochiæ jam edificata exiſtit, & ibidem de novo Eccleſiam conſtruend.' & edificand.' ex Petris ſeu Lapidibus, ſicut decet, reſervatâ nobis Facultate ponendi ibidem primum Lapidem, vobis tenore præſentium Licentiam concedimus ſpecialem. Volumus tamen & concedimus, quòd vobis liceat in dicta Capella divina audire, ac Sacramenta & Sacramentalia ibidem percipere & habere, quouſque dicta Eccleſia edificata fuerit & conſtructa, videlicet, uſque ad terminum decem Annorum prox.' nunc ſequen.' quem terminum vobis, pro conſtructione & edificatione hujuſmodi novæ Eccleſiæ, tenore præſentium aſſignamus. Proviſo tamen, quòd Cimiterium competens & contiguum eidem Eccleſiæ, cum conſtructa fuerit, ordinetur; quòdque etiam Cimiterium veſtrum antiquum, dirutâ & evulſâ dictâ Eccleſiâ antiquâ, tanquam Locus ſacer honeſtè conſervetur, ſub competenti clauſura pro Sepultura, ut convenit, Chriſti fidelium mortuorum.

In cujus Rei Teſtimonium, Sigillum noſtrum præſentibus duximus apponend.'

Datum London.' in Palatio noſtro, die viceſimo tertio Menſis Octobris, Anno Domini Milleſimo CCCC^{mo}. Et noſtræ Conſecrationis Anno decimo nono. 1400.

XII. *The*

XII. * *The Form of Conſecrating Churches and Church-yards.*

Preparations in order to the Conſecrating of a Church.

THE Church is to be pewed and furniſhed with a reading Deſk, Common Prayer, and Great Bible, and one or more Surplices, as alſo with a Pulpit and Cuſhion, a Font and a Communion Table, and with Linen, and Veſſels for the ſame.

The Endowment, and the Evidences thereof, are to be laid before the Biſhop or his Chancellor, ſome Time before the Day appointed, in order to the preparing of the Act or Sentence of Conſecration againſt that Day.

An Intimation of the Biſhop's Intention to Conſecrate the Church, with the Day and Hour appointed for it, is to be fixed on the Church Door at leaſt three Days before.

A Chair is to be ſet for the Biſhop on the North Side of the Communion Table, within the Rails; and another for his Chancellor without the Rails, on the ſame Side.

All Things are to be prepared for a Communion. The Church is to be kept ſhut, and empty, till the Biſhop comes, and till it be opened for his going in.

The Form of Conſecrating a Church.

THE Biſhop is to be received at the Weſt Door, or at ſome other Part of the Church, or Church-yard, which is moſt convenient for his Entrance, by ſome of the principal Inhabitants.

If the Church that is to be conſecrated be a new Church built in an old pariſh, then to be met by the Miniſter of the Place, the Church-Wardens, and ſome of the principal Inhabitants.

At the Place where the Biſhop is received, a Petition is to be delivered to him by ſome one of the Perſons who receive him, praying that he will Conſecrate the Church.

The Petition is to be read by the Regiſter.

The Biſhop, his Chaplains, the Preacher, and the Miniſter who is to read divine Service, together with the reſt of the Clergy, if any other be preſent, enter the Church, and repair to the Veſtry, or (if there be no Veſtry) to ſome convenient Part of the Church, where, as many as are to officiate put on their ſeveral Habits, during which Time the Pariſhioners are to repair to their Seats, and the middle Iſle is to be kept clear.

As ſoon as the Church is quiet, the Biſhop and his Chaplains, with the Preacher and the Miniſter who is to officiate, and the reſt of the Clergy, if any other be preſent, return to the Weſt Door, and go up the middle Iſle to the Communion Table, repeating the *24th* Pſalm alternately, as they go up, the Biſhop one Verſe, and they another.

Pſalm XXIV.

1 The Earth is the Lords, and all that therein is: the compaſs of the World, and they that dwell therein.

2 For he hath founded it upon the Seas: And prepared it upon the Flouds.

3 Who ſhall aſcend into the Hill of the Lord, or who ſhall riſe up in his holy Place.

4 Even he that hath clean Hands and a pure Heart: and that hath not lift up his Mind unto Vanity, nor ſworn to deceive his Neighbour.

5 He ſhall receive the Bleſſing from the Lord: and Righteouſneſs from the God of his Salvation.

6 This is the Generation of them that ſeek him: even of them that ſeek thy Face, O Jacob.

7 Lift up your Heads, O ye Gates, and be ye lift up, ye everlaſting Doors: and the King of Glory ſhall come in.

8 Who is the King of Glory? it is the Lord, ſtrong and mighty, even the Lord mighty in Battel.

9 Lift up your Heads, O ye Gates, and be ye lift up, ye everlaſting Doors: and the King of Glory ſhall come in.

10 Who is the King of Glory? even the Lord of Hoſts, he is the King of Glory.

The Biſhop and his Chaplains go within the Rails; the Biſhop to the North Side of the Communion Table, and the Chaplains to the South Side: The Miniſter officiating goes to the reading Deſk, and the Preacher to ſome convenient Seat near the Pulpit.

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* Theſe Forms may be applied, *mutatis mutandis*, to the Conſecration of Chapels, and Chapel-yards.

This not needful if it be a new Church built in an old Pariſh.

The Biſhop ſitting in his Chair, is to have the Inſtrument or Inſtruments of Donation and Endowment preſented to him by the Founder, or ſome proper Subſtitute, which he lays upon the Communion Table, and then ſtanding up, and turning to the Congregation, ſays.

Dearly Beloved in the Lord; foraſmuch as devout and holy Men, as well under the Law as under the Goſpel, moved either by the ſecret Inſpiration of the Bleſſed Spirit, or by the expreſs Command of God, or by their own Reaſon and Senſe of the natural Decency of Things, have erected Houſes for the public Worſhip of God, and ſeparated them from all profane and common Uſes, in Order to fill Men's Minds with greater Reverence for his glorious Majeſty, and affect their Hearts with more Devotion and Humility in his Service; which pious Works have been approved and graciouſly accepted by our heavenly Father: Let us not doubt but he will alſo favourably approve our godly Purpoſe, of ſetting a-part this Place in ſolemn Manner, to the Performance of the ſeveral Offices of Religious Worſhip, and let us faithfully and devoutly beg his Bleſſing on this our Undertaking.

Then the Biſhop kneeling ſays the following Prayer.

O Eternal God, mighty in Power, and of Majeſty incomprehenſible, whom the Heaven of Heavens cannot contain, much leſs the Walls of Temples made with Hands, and who yet haſt been graciouſly pleaſed to promiſe thy eſpecial Preſence in whatever Place even two or three of thy faithful Servants ſhall aſſemble in thy Name, to offer up their Praiſes and Supplications unto thee; Vouchſafe O Lord, to be preſent with us who are here gathered together with all Humility and Readineſs of Heart, to Conſecrate this Place to the Honour of thy great Name; Separating it from henceforth from all unhallowed, ordinary, and common uſes, and dedicating it to thy Service, for reading thy Holy Word, for celebrating thy Holy Sacraments, for offering to thy glorious Majeſty the Sacrifices of Prayer and Thankſgiving, for Bleſſing thy People in thy Name, and for the Performance of all other holy Ordinances; Accept, O Lord, this Service at our Hands, and bleſs it with ſuch Succeſs, as may tend moſt to the Glory and the furtherance of our Happineſs both Temporal and Spiritual, thro' Jeſus Chriſt our Bleſſed Lord and Saviour. *Amen.*

After this let the Biſhop ſtand up, and turning his Face toward the Congregation, ſay:

Regard, O Lord, the Supplications of thy Servants, and grant that whoſoever ſhall be dedicated to thee in this Houſe by Baptiſm, may be ſanctified with the Holy Ghoſt, delivered from thy Wrath and Eternal Death, and received as a living Member of Chriſt's Church, and may ever remain in the Number of thy faithful and elect Children. *Amen.*

Grant O Lord, that they who at this Place, ſhall, in their own Perſons renew the Promiſes and Vows made by their Sureties for them at their Baptiſm, and thereupon ſhall be confirmed by the Biſhop, may receive ſuch a Meaſure of thy Holy Spirit, that they may be enabled faithfully to fulfill the ſame and grow in Grace unto their Lives End. *Amen.*

Grant O Lord, that whoſoever ſhall receive in this Place the Bleſſed Sacrament of the Body and Blood of Chriſt, may come to that Holy Ordinance with Faith, Charity and true Repentance; and being filled with thy Grace and heavenly Benediction, may, to their great and endleſs Comfort, obtain Remiſſion of their Sins, and all other Benefits of his Paſſion. *Amen.*

Grant O Lord, that by thy Holy Word which ſhall be read and preached in this Place, and by thy Holy Spirit grafting it inwardly in the Heart, the Hearers thereof may both perceive and know what Things they ought to do, and may have Power and Strength to fulfill the ſame. *Amen.*

Grant, O Lord, that whoſoever ſhall be joyned together in this Place in the Holy Eſtate of Matrimony, may faithfully perform and keep the Vow and Covenant betwixt them made, and may remain in perfect Love together unto their Lives End. *Amen.*

Grant, we beſeech thee, bleſſed Lord, that whoſoever ſhall draw near unto thee in this Place, to give thee Thanks for the Benefits which they have received, at thy Hands, to ſet forth thy moſt worthy Praiſe, to confeſs their Sins unto thee, and to ask ſuch Things as are requiſite and neceſſary, as well for the Body as the Soul, may do it with ſuch Stedfaſtneſs of Faith, and ſuch Seriouſneſs, Affection, and Devotion of Mind, that thou mayſt accept their bounden Duty and Service, and vouchſafe to give whatever in thy infinite Wiſdom thou ſhalt ſee to be moſt expedient for them; All which we beg for Jeſus Chriſt his Sake, our Bleſſed Lord and Saviour. *Amen.*

The Biſhop ſitting in his Chair.

Then the Sentence of Conſecration is to be read by the Chancellor, and ſigned by the Biſhop, and by him ordered to be regiſter'd, and then laid upon the Communion Table.

After this, the Perſon appointed is to read the Service for the Day, except where it is otherwiſe directed.

Proper Pſalms, LXXXIV, CXXII, CXXXII.

Firſt Leſſon, 1 *Kings* VIII. from verſe 22 incl. to verſe 62.

Second Leſſon, *Heb*. X. from verſe 19 incl. to verſe 26.

After the Collect for the Day, the Miniſter who reads the Service ſtops till the Biſhop hath ſaid the following Prayer.

O moſt Bleſſed Saviour, who by thy gracious Preſence at the Feaſt of Dedication didſt approve and honour ſuch religious Services as this which we are now performing unto thee, be preſent at this Time with us alſo by thy Holy Spirit; and becauſe Holineſs becometh thine Houſe for ever, ſanctify us we pray thee, that we may be living Temples, holy and acceptable unto thee; and ſo dwell in our Hearts by Faith, and poſſeſs our Souls by thy Grace, that nothing which defileth may enter into us; but that being cleanſed from all carnal and corrupt Affections, we may ever be devoutly given to ſerve thee in all good Works, who art our Saviour, Lord, and God, bleſſed for evermore. *Amen.*

Then the Miniſter proceeds in the Service of the Day to the End of the General Thankſgiving; after which, the Biſhop ſays the following Prayer, if it be not one of the 50 new Churches.

Bleſſed be thy Name, O Lord, that it hath pleaſed thee to put it into the Heart of thy * *Servant N*—— to erect this Houſe to thy Honour and Worſhip. Bleſs O Lord * *him*, *his* Family, and Subſtance, and accept the Work of * *his* Hands; remember * *him* concerning this; wipe not out this Kindneſs that * *he* hath ſhewed for the Houſe of his God and the Offices thereof, and grant that all who ſhall enjoy the Benefit of this pious Work, may ſhew forth their Thankfulneſs by making a right uſe of it, to the Glory of thy bleſſed Name, thro' Jeſus Chriſt our Lord. *Amen.*

* Or *Servants.*

* Throughout this Prayer, for *him, his, he, hath*; ſay *them, they, their, ſhe, her, have*, as the Occaſion ſhall require.

If the Church that is to be conſecrated, be one of the fifty new Churches which are ordered to be built by the late Acts of Parliament, the Biſhop ſays:

Bleſſed be thy Name, O Lord God, that it hath pleaſed thee by thy good Spirit to diſpoſe our gracious Soveraign and the Eſtates of this Realm, to ſupply the Spiritual Wants of thy People, by appointing this and many other Churches to be erected and endowed for thy Worſhip and Service; multiply thy Bleſſings upon them for their pious Regard to thy Honour, and to the good of Souls; remember them concerning this, and wipe not out the Kindneſs they have ſhewn to thy Church, and to the Offices thereof; and grant that our gracious King may ſee and long enjoy the Fruits of his godly Zeal, in the Edification of the Members of our Church, and in the Reduction of thoſe, in the Spirit of Meekneſs, who diſſent from it; that we may all live together in the Unity of the Spirit, and in the Bond of Peace, thro' Jeſus Chriſt our Lord. *Amen.*

Then the Miniſter who officiates, is to go on with the Prayer of St. *Chryſoſtom*, and the Grace of our Lord Jeſus Chriſt.

Then a Pſalm is to be ſung, viz. XXVI. 6, 7, 8. with *Gloria Patri.*

Communion Service.

The Biſhop, ſtanding on the North Side of the Communion Table, as before, reads the Communion Service.

After the Collect for the King, he ſays the following Prayer.

O moſt glorious Lord God, we acknowledge that we are not worthy to offer unto thee any thing belonging to us; yet we beſeech thee, in thy great Goodneſs, graciouſly to accept the Dedication of this Place to thy Service, and to proſper this our undertaking: Receive the Prayers and Interceſſions of us, and all others thy Servants, who either now or hereafter entring into this Houſe, ſhall call upon thee; and give both them and us Grace to prepare our Hearts to ſerve thee with Reverence and godly Fear: Affect us with an awful Apprehenſion of thy divine Majeſty, and a deep Senſe of our own Unworthineſs; that ſo approaching thy Sanctuary with Lowlineſs and Devotion, and coming before thee, with clean Thoughts and pure Hearts, with Bodies undefiled, and Minds ſanctified, we may always perform a Service acceptable to thee thro' Jeſus Chriſt our Lord. *Amen.*

The two Chaplains are to read, one the Epiſtle, and the other the Goſpel.

The Epiſtle, 2 *Cor*. VI. 14. incl. to v. 17.

The Goſpel, St. *John* Chap. II. v. 13. to v. 18. incl.

Then the Biſhop reads the Nicene Creed, after which a Pſalm is ſung, viz. Pſ. 100.

The Sermon.

The Sermon being ended, and all who do not receive the Holy Communion returned, and the Doors ſhut; the Biſhop proceeds in the Communion Service; and he and the Clergy having made their Oblations, the Church-wardens collect the Offerings of the reſt of the Congregation.

After the Communion, and immediately before the final Bleſſing, the Biſhop ſays the following Prayer.

Bleſſed be thy Name, O Lord God, for that it pleaſeth thee to have thy Habitation among the Sons of Men, and to dwell in the midſt of the Aſſembly of the Saints upon Earth; Bleſs we beſeech thee, the religious Performance of this Day; and grant that in this Place, now ſet apart to thy Service, thy holy Name may be worſhipped in Truth and Purity to all Generations through Jeſus Chriſt our Lord. *Amen.*

The peace of God, which paſſeth all underſtanding, keep your Hearts and Minds in the Knowledge and Love of God, and of his Son Jeſus Chriſt our Lord: and the Bleſſing of God Almighty, the Father, the Son, and the Holy Ghoſt, be amongſt you, and remain with you always. *Amen.*

Conſecration of a Church-yard, together with the Church.

When the Service in the Church is finiſhed, the Biſhop, Clergy, and People proceed to the Church-yard; and the Biſhop ſtanding in the Place prepared for the Performance of the Office there, the Act or Sentence of Conſecration is read by the Chancellor, and ſigned by the Biſhop, and ordered to be regiſtered.

After which the Biſhop ſays the following Prayer.

O God, who haſt taught us in thy holy Word, that there is a Difference between the Spirit of a Beaſt that goeth downwards to the Earth, and the Spirit of a Man which aſcendeth up to God who gave it; and likewiſe by the Example of thy holy Servants, in all Ages, haſt taught us to aſſign peculiar Places where the Bodies of thy Saints may reſt in Peace, and be preſerved from all Indignities, whilſt their Souls are ſafely kept in the Hands of their faithful Redeemer: Accept, we beſeech thee, this charitable Work of ours, in ſeparating this Portion of Ground to that good Purpoſe; and give us Grace that by the frequent Inſtances of Mortality which we behold, we may learn and ſeriouſly conſider, how frail and uncertain our Condition here on Earth is, and ſo number our Days, as to apply our Hearts unto Wiſdom. That in the midſt of Life thinking upon Death, and daily preparing ourſelves for the Judgment that is to follow, we may have our Part in the Reſurrection to eternal Life, with him who died for our Sins, and roſe again for our Juſtification, and now liveth and reigneth with thee and the Holy Ghoſt, one God World without End. *Amen.*

The Grace of our Lord Jeſus Chriſt, and the Love of God, and the Fellowſhip of the Holy Ghoſt, be with us all evermore. *Amen.*

Conſecration of a Church-yard, ſingly.

The ordinary Service for the Day is to be read at the Church, except where it is otherwiſe ordered.

Pſalms XXXIX, XC.

Firſt Leſſon, *Gen.* XXIII.

Second Leſſon, St. *John* V. 21. incl. to v. 30. or 1 *Theſſ.* IV. 13. to the End.

When the Service at the Church is over, the Biſhop, Clergy, and Pariſhioners, repair to the Ground which is to be conſecrated; and the Biſhop ſtanding in the Place prepar'd for the Performance of the Office, ſays:

The glorious Majeſty of the Lord our God be upon us, proſper thou the Work of our Hands upon us, O proſper thou our handy Work.

Then the Inſtrument of Donation is preſented to the Biſhop.

Next the Act or Sentence of Conſecration is read by the Chancellor, and ſigned by the Biſhop, and ordered to be regiſtered.

This done, the Biſhop reads the Prayer that is before directed to be uſed in a Church-yard which is conſecrated together with the Church.

Then are ſung 2 Staves of the XXXIX Pſalm, viz. the 5th, 6th, 7th and 8th verſes.

After which the Biſhop lets them depart with the Bleſſing:

The Peace of God which paſſeth all underſtanding, keep your Hearts and Minds in the Knowledge and Love of God, and of his Son Jeſus Chriſt our Lord: and the bleſſing of God Almighty, the Father, the Son, and the Holy Ghoſt: be amongſt you, and remain with you always. *Amen.*

XIII. *Taxatio Procurationis pro Dedicatione Eccleſiæ.*

Id. f. 124. b. SIMON &c. Decano de Bockyng, noſtræ Juriſdictionis immediatæ Salutem, Gratiam, & Benedictionem.

Recites — the late Conſecration of the Church,

Cùm nos nuper Eccleſiam de Lachyndon.' noſtræ Juriſdictionis prædictæ noviter, ut dicebatur, conſtructam, mandaverimus & fecerimus dedicari, Procurationem noſtram de eadem Eccleſia, pro Dedicatione hujuſmodi, nobis ſpecialiter reſervantes; Tibi Committimus & Mandamus, quatinus Procurationem noſtram hujuſmodi, quam ad V marc.' moderati ſumus ex Cauſa, de Rectore & Parochianis dictæ Eccleſiæ, infra unius Menſis Spatium à Tempore Receptionis præſentium continue numerand.' levari facias: ipſos ad hoc faciendum, per quaſcumque Cenſuras Eccleſiaſticas, quas tibi Committimus per præſentes Vice noſtra exequend.' canonicè compellas. Et quid feceris, ac iidem Rector & Parochiani faciendum duxerint in Præmiſſis, nos, citra Feſtum Sancti Mathei Apoſtoli proximo nunc futurum, certifices; & de Die Receptionis præſentium, per tuas patentes Literas harum Seriem continentes.

— and appoints the Procuration, as rated, to be demanded of the Pariſhioners.

1356. Dat.' apud Otteford ii Kalend.' Auguſti, Anno Domini Milleſimo CCC° quinquageſimo ſexto, Et noſtræ Conſecrationis ſeptimo.

XIV. *Inhibitio, de non celebrando in Eccleſiâ noviter conſtructâ, ante Conſecrationem.*

3Abb. 124. b. GEORGIUS &c. univerſis & ſingulis Rectoribus, Vicariis, Capellanis, Curatis, & Clericis quibuſcunque, per Provinciam noſtram Cantuar.' ubilibet conſtitutis, & præſertim Rectori, Vicario, Curato vel Miniſtro de Southmallinge Decanatûs de Southmallinge in Dioc.' Ciceſtren.' Salutem. Cum Eccleſia Parochialis de Southmallinge Decanatûs de Southmallinge prædict.' noſtræ, & Eccleſiæ noſtræ Cathedralis & Metropoliticæ Chriſti Cantuarien.' Juriſdictionis immediatæ, per plurimos Annos ultime elapſos dilapidata, devaſtata & proſtrata fuerit, Areaque ſuper quam Eccleſia prædicta fundata ſive ædificata fuit, & Cimiterium ejuſdem poſt & citra Ruinam & Deſtructionem ejuſdem, per Beſtias & Animalia diverſorum Generum aliiſque modis prophanata & polluta, & ſic diu per Incolas & Inhabitantes ejuſdem Parochiæ pollui & prophanari permiſſa fuerint in Animarum eorundem grave Periculum, & perniciosſum aliorum Exemplum; cumque iidem Parochiani multorum Sumptibus & Expenſis, ac præſertim Munificentiâ Regiâ Eccleſiam prædict.' (ſic ut præfertur) dilapidatam, devaſtatam, & penitus proſtratam, noviter conſtruxerint & re-ædificaverint, ac in eadem Eccleſia (nullâ per Archiepiſcopum vel Epiſcopum præhabitâ aut præcedente Benedictione ſeu Conſecratione) divina Officia ibidem miniſtrari, ac corpora ibidem decedentium ſepeliri permiſerint; Idcirco Nos (uti ex debito commiſſi nobis Officii paſtoralis tenemur) tantum nefas præterire nolentes, vobis conjunctim & diviſim committimus ac firmiter injungendo mandamus, quatenus Curatum, Miniſtrum, vel Miniſtros præfatæ Eccleſiæ, alioſve quoſcunque, nec non omnes & ſingulos ejuſdem Parochiæ Æconomos ſive Gardianos, omneſque Parochianos ejuſdem, per affixtionem præſentium in Valvis Eccleſiæ prædictæ, ab ingreſſu ejuſdem interdictos & ſuſpenſos fuiſſe & eſſe (quibus etiam tenore præſentium ſic interdicimus) palam & publicè intimetis, ſeu intimari faciatis, donec Eccleſia præfata & Cimiterium ejuſdem per nos, aut alium Auctoritate noſtrâ munitum, canonicè & legitimè conſecrata fuerint, prout Jura & Sanctiones Eccleſiæ in ea Parte editæ poſtulant. Mandantes inſuper, ne quis in Eccleſia de Southmallinge prædict.' divina celebrare, aut ipſos Parochianos, alioſve, ad divina Officia aut Eccleſiaſticam Sepulturam ibi admittere, ſeu eis Sacramenta Eccleſiaſtica quomodolibet miniſtrare præſumat, poſt hujuſmodi Intimationem, Inhibitionem & interdictum, donec aliud à nobis ſuper hoc receperitis in Mandatis. In cujus Rei &c. Dat.'

XV. *Tranſlatio Feſti Dedicationis Eccleſiæ.*

2Arund. f. 114. a. UNIVERSIS Sanctæ &c. Salutem, & ad perpetuam Rei Memoriam, Fidem indubiam præſentibus adhibere.

Alteration of the Feaſt of Dedication,

Noverit Univerſitas veſtra, quòd nos Feſtum Dedicationis Eccleſiæ paroch.' Sancti Dunſtani, extra muros Civitatis noſtræ Cantuar.' quod xvj° Die Menſis Martii ſingulis Annis contingere conſuevit, ex certis Cauſis legitimis nos ad hoc moventibus, & pro eo quòd Solempnia illius Feſti dicto Die communiter Contingentia inter Dominicam in Paſſione Domini & Feſtum paſch.' congruè non poterunt celebrari, ab illo Die ad Diem Lunæ prox.' poſt Feſtum Sancti Michaelis Archangeli pro perpetuis futuris Temporibus,

—and Direction to obſerve the Day now appointed.

ad inſtantem Petitionem Vicarii & Parochianorum dictæ Eccleſiæ, duxerimus transferend.' prout ſic transferimus per præſentes. Volumuſque, & tenore præſentium decernimus, ipſum Feſtum ex nunc ſingulis Annis perpetue futuris in dicta Eccleſia præfato Die Lunæ fore ſolempniter celebrand': Vicario, & Parochianis ejuſdem Eccleſiæ qui pro tempore fuerint, firmiter injungendo mandantes, ut ipſum Feſtum, præfato Die Lunæ, ſingulis Annis imperpetuum celebrent, & faciant debitè celebrari.

In cujus Rei &c.

Datum in Palatio noſtro Cantuar.' vij° Die Menſis Julii, Anno Domini Milleſimo CCCC^mo nono, Et noſtræ Tranſlationis Anno Quartodecimo. 1409.

XVI. *Licence to erect Pews in a Chancel.*

Recites, — The great Increaſe of the Inhabitants, and the Want of convenient Room in the Church,

Crompt. Vic. Gen. f. 127.

TO all Chriſtian People to whom theſe Preſents ſhall come, George by the Providence of God Biſhop of London, ſendeth Greeting in the Lord. Whereas We are certified that the Pariſhioners of the Pariſh Church of St. Swithin by London Stone, of our Dioceſe and Juriſdiction of London, being much encreaſed, cannot be conveniently placed, neither in the Body nor Iſles of the ſaid Church, for the hearing of Divine Service and Sermons, and performing thoſe religious Duties which by the Laws of God and of this Realm they are to perform; the Church being but little; and that in the Chancell of the ſaid Church there is convenient Room for Pews to be erected for divers of the better Sort of the ſame Pariſh to be placed there; And foraſmuch as, as well M^r Richard Cooke Clerk, the now Incumbent and Parſon of the ſaid Church, as alſo Richard Southwark and Richard Gardner, Churchwardens there, together with Robert Hill, Henry Duchſhell, William Eſſington, and other principal Pariſhioners and Veſtrymen of the ſame Pariſh, at a general Veſtry or Meeting in the ſame Church for the Good and Benefit of the whole Pariſh, have agreed and conſented together, at the Coſts and Charges of the Pariſhioners of the ſame Pariſh, to erect and build new Pews in the Chancell of the ſaid Church, fit and convenient both to adorn and beautify the Church, and alſo to receive ſome of the better Sort of the ſame Pariſhioners, whereby others may be the better placed in the Body and Iſles of the ſaid Church than now they are, if this their godly Purpoſe may be by us approved by our Licence and Authority the ſame directed and confirmed: and to that End and Purpoſe, as well M^r George Bowles, Citizen and Alderman of London, the Patron, as the ſaid M^r Cooke the Parſon, as the ſaid Churchwardens and other Pariſhoners, have made humble Suite for our Licence and Authority in that Behalf to be granted, as by their Petition exhibited in Writing under their Hands and remaining in our Regiſtry appeareth: We therefore, George Biſhop of London aforeſaid, well approving this their Chriſtian Care of beautifying God's Houſe, and religious Deſire of placing and diſpoſing of themſelves therein in ſuch Manner as may ſeem both to advance the Glory of God, and further the Salvation of the Souls both of themſelves and others, do by theſe preſent give Leave, and grant this our ſpecial Licence and Authority, unto the ſaid Tho. Southwark, and Richard Gardiner, now Churchwardens there, at the Coſts and Charges of the Pariſhoners of the ſame Pariſh, to erect Pews where the Quire or old Seats were heretofore ſet in the ſame Chancell, for the placing of ſuch Perſons of the better Sort of the ſame Pariſhoners, as ſhall be hereafter from time to time by the Churchwardens there for the time being appointed, to ſit, or have place there; and the ſame Pews ſo to be erected, We do ſo far as in us is, and by Law we may, and by and with the Conſent of the ſaid Parſon, Patron, Churchwardens, and Pariſhoners, by our ordinary and Epiſcopal Authority, confirm, there to continue and remain to all poſterity hereafter, for Pariſhoners to be placed in there, by the Churchwardens there, from time to time for the time being, or by Us, or the ordinary of the Place for the time being, if need ſhall ſo require, for the uſes aforeſaid; reſerving to the ſaid M^r Cooke and his Succeſſors, Parſons of the ſaid Church, all right, Duties, and Priviledges of Burials, and breaking up of the Ground, within the Limits of the ſaid Chancell, which the ſaid Parſon or any his Predeceſſors heretofore enjoyed, or any wiſe belonged to him or any of them. In Witneſs of all which the Premiſes, we have cauſed the Seal of our Chancellor, which we uſe in theſe and ſuch like Matters, to be ſet to theſe Preſents. Dated at London, the 23 Day of May, in the Year of our Lord God 1610, and the firſt Year of our Tranſlation. 1610.

—and the agreement of the Incumbent and Pariſhioners in Relation to the building Seats in the Chancel.

The Decree.

Reſervation of the Rights of the Incumbent.

XVII. *Proceſſus*

XVII. *Proceſſus in Cauſâ Sedilis.*

2 Stanh. Vic. Gen. p. 228.

Recites the Proceſs.

UNIVERSIS & ſingulis Chriſti Fidelibus ad quos præſentes Literæ Teſtimoniales pervenerint, ſeu quos infraſcripta tangunt ſeu concernunt, vel concernere poterint quomodolibet in futurum, & præſertim Rectori & Guardianis Eccleſiæ parochialis de Warley magna in Com.' Eſſexiæ, ac London.' Diœceſ.' & Juriſdictionis, necnon Parochianis dictæ Parochiæ, Edvardus Stanhope Legum Doctor, Reverendi Patris Domini Richardi London.' Epiſcopi Vicarius in Spiritualibus Generalis, & officialis principalis, in & per tot.' Civitatem & Diœceſ.' London.' legitimè deputatus, Salutem in Domino. Noveritis quod nos, Die Dati Præſentium, in quodam Negotio Sedili Uxor.' cujuſdam Thomæ Wear, in Eccleſia parochiali de Warley magna prædict.' promot.' per quendam Gulielmum Drywood dictæ Parochiæ Generoſum, ad humilem petitionem dicti Gulielmi Drywood, & juxta mandat.' & Ordinem præfati Reverendi Patris Domini Richardi, London' Epiſcopi, apud Weſtham in Com.' Eſſexiæ prædict.' Die Jovis (viz.) ſecundo Die Inſtantis Menſis Octobris nobis intimat.' in præſentia M^{ri} Johannis Fabian Clerici, Rectoris de Warley magna prædict.' tunc intervenien.' in eodem Negotio, ex Parte cujuſdam Benjamini Gunſton Gen.' & Patroni dictæ Eccleſiæ, cujus Sumptibus dictum Sedile ædificat.' fuit, Decretum noſtrum interpoſuimus, & ad petitionem dicti Gulielmi Drywood, de & ex Conſenſu & expreſſo Mandato dicti Reverendi Patris, nobis, ut præfertur, intimat.' prout ex Regiſtro noſtro plenius apparet, decreverimus ut ſequitur in hiis Verbis Anglicanis. (viz.) That the Pew which was built by Mr Benjamin Gunſton, Patron of the Church and Lord of one of the Mannors there, ſtanding on the South Side of the Church, next adjoyning to the Pulpit, ſhall continue and ſtand ſtill for Mr Benjamin Gunſton and his Wife to ſit in, whenſoever they ſhall pleaſe either to inhabit in the Pariſh, or to come to the Church there; but that neither Thomas Wears's Wife, nor Richard Clark's Wife, nor Thomas Liton's Wife, nor any Perſon there ſhall ſit in that Seat, ſave only the ſame Mr Gunſton and his Wife, when they ſhall come to the Church there: and it was further ordered the time aforesaid by his Lordſhip, and conſented to by Mr Fabian the Parſon there, that Mr William Drywood ſhould have Liberty to build a Pew for himſelf, his Wife, his Mother, and his Children, on the North Side of the Body of the ſaid Church, oppoſite unto the other Pew of Mr Benjamin Gunſton; the ſaid William Drywood alledging, that the Place is ſo narrow betwixt the Pew that ſtandeth before the Place where his Pew ſhould be, and the other Pews in the Church, that there is no convenient Room for him to build his Pew, without removing the other Pews down lower into the Church, which he offereth to do at his own Charge; and deſireth that he may be ſpared five Foot Room in Wedth for his Pew to be built; and thereupon we have yielded likewiſe unto him, ſo as the ſame may be conveniently done without diminiſhing of the Pews of the Church, but only by removing and ſetting them lower, and ſo as it be no defacing to any of the Iſles in the Church, That he have ſo much Ground granted to him, ſo as he do remove thoſe Pews at his own Charges. Vobis igitur conjunctim & diviſim, & præſertim Rectori ſive Curato Eccleſiæ parochialis de Warley magna prædict.' committimus & mandamus, quatinus in Eccleſia veſtra parochiali de Warley prædict.' Die Dominico prox' ſequen.' poſt Receptionem præſentium, hujuſmodi noſtrum Decretum Parochianis ibidem, pro meliori debitâ & quietâ Executione ejuſdem ex Parte dicti Mri Gulielmi Drywood, publicè publicetis, denuncietis, & declaretis. In quorum omnium & ſingulorum præmiſſorum Fidem & Teſtimonium has Literas noſtras Teſtimoniales fieri, Sigillumque noſtrum eiſdem apponi, ad petitionem dicti Magiſtri Gulielmi Drywood fecimus & mandavimus. Dat.' octavo Die Menſis Octobris, Anno Domini Milleſimo quingenteſimo nonageſimo quinto. Will. Blackwell.

The Decree;

—and Order to Publiſh it.

1595.

XVIII. *Order for taking down Pictures over a Font.*

Decimo octavo die menſis Januarii, Anno Domini 1639 juxta &c. coram Venerabili Viro Arthuro Ducke Legum Doctore, Reverendi in Chriſto Patris ac Domini Domini Gulielmi London.' Epiſcopi Vicario in Spiritualibus Generale &c. in ejus Camera &c. infra Hoſpitium Dominorum advocatorum, in præſentia Roberti Cooke Notarii Publici.

Chaw. Vic. Gen. 68.

Complaint of the Pariſhioners, againſt Pictures over the Font,

WHEREAS ſome of the Pariſhoners of the Pariſh of Allhallows Barking London, have lately exhibited a Petition unto the Right Honourable and Right Reverend Father in God William Lord Biſhop of London, ſetting forth, that of late Years the ſaid Pariſh Church hath been repaired and beautified, and a new

—and proceſs thereupon by the Chancellor,

—who adviſes with the Miniſter and Inhabitants,

—and decrees the Pictures to be taken down.

Font erected, and the Communion Table placed and railed about, according to the Laws, Canons, and Cuſtoms of the Church of England; and that over the ſaid Font are ſet certain carved Images, the Picture of the Holy Ghoſt, and a Croſs; and that alſo the Communion Table is removed out of its antient and accuſtomed Place, and certain Images placed on the Rail that ſtandeth round about it, which Images they deſire may be taken down, and the Communion Table ſet in the Place where it formerly ſtood; and whereas the ſaid Lord Biſhop of London, being imployed in his Majeſty's weighty Affairs, refered the conſideration of the ſaid Petition unto the Right Worſhipful Arthur Duck Doctor of Laws, his Chancellor, who, for the due Examination of the Complaint made in the ſaid Petition, repaired to the ſaid Pariſh Church, and viewed it in the Particulars complained of, calling to him the Right Worſhipful Edward Layfield Doctor in Divinity, Vicar of the ſaid Church, ſome of the Veſtrymen, together with ſome of the Complainants, but could not, at that Time, ſettle and reconcile the Differences concerning the ſaid Thing complained of; and afterwards, at ſeveral Times, the ſaid Parties, with others both of the Veſtry and of the Camplainants meeting before him, he treated with them to agree this buſineſs, and to reduce the Pariſh to Peace; and, after divers meetings, finding the Difference to continue, the ſaid Mr Chancellor ſent for the greater Part of the Veſtry, and a ſufficient Number of the Complainants, and, upon Examination, found moſt of the Veſtry approved and liked of all the Particulars complained of in the ſaid Petition, and the Complainants held and retained their Diſlike of all the ſaid Particulars, according to the Tenor and Effect of the Petition; but at that Time, before their Departure, ſome of the Veſtry, for and in the Name of the Pariſh, and ſome of the Complainants of the more moderate of them, propoſed, by way of mediation, that ſome of the Things complained of might be removed, and ſome continue as they are; (viz.) That the Pictures over the Canopy of the Font, and alſo the Pictures on the Railes about the Communion Table might be removed, which Propoſition they hoped, (as they then ſaid) would give Contentment to all Sides, and procure the Peace and Quiet of the whole Pariſh; upon the hearing of which Overture or Propoſal, the ſaid Chancellor then ordered that Dr Layfield would appoint a Veſtry Meeting to be held the next Day, and againſt that Time the Veſtry ſhould make enquiry of the opinions of the Pariſhoners, and that ſome of the principal Complainants ſhould, in the mean Time, enquire the Opinion of the reſt of their Party and Complainants, and that, in the ſaid Veſtry Meeting, Declaration by both Parties ſhould be made, what their Deſires or Opinions were reſpectively concerning the propoſed Mediation aforeſaid; and it was then further ordered, that (the ſaid Meeting ended) the ſame Day both Parties ſhould repair to him, and declare whether both Sides would yield to the Way of Accord and Moderation propoſed by themſelves as aforeſaid: After this Meeting appointed as aforeſaid, on the Day of the Date of this Order, appeared perſonally before the ſaid Mr Chancellor the ſaid Doctor Leyfield, the greateſt Part of the Veſtrymen, and a ſufficient Number of the Complainants, and divers others of the Pariſhoners, of whom the ſaid Chancellor required or demanded what they had agreed on in the laſt Veſtry, and what the Opinion of the Pariſhoners on both Sides was concerning the Propoſal made at their laſt Meeting before him; to which ſome of the Veſtry on behalf of that Party, and the Complainants on behalf and in the Name of the Pariſhoners complainant of their Party, made reply, that it was agreed and conſented to on both Sides, that the Pictures over the Canopy, and the Pictures round about the Rail of the Communion Table ſhould be taken down; and did now again expreſs and declare their joint Conſent and Willingneſs thereunto, and made it their humble Suit to Mr Chancellor, to interpoſe his Order and Decree accordingly; and on both Sides ſubmitted to his Sentence and Determination therein, and promiſed they would reſt ſatisfied, and abide by his Order; and on both Sides they further declared, that this being done as then deſired, they would be quiet, and not further purſue the other Complaints mentioned in the Petition: Whereupon Mr Chancellor well weighing the Premiſſes, and being ſtudious to preſerve and continue the Peace and Quiet of the Pariſh, ordered and decreed, that all the ſaid Pictures above and on the Canopy of the ſaid Font ſhould be taken down, and that the Pictures upon the Rail of the Communion Table ſhould likewiſe be taken down, and that in the four Corners of the ſaid Canopy, in the Room or Place where the ſaid Pictures at the ſaid Corners ſtood, ſhould be ſet up, in Wainſcott Work, either Globes or Pilaſters, or ſome other Work for Ornament, as by Workmen ſkilfull in that Art ſhall be adviſed: Which Order being declared, both Parties willingly ſubmitted thereunto, and promiſed to reſt quiet and contented therewith, and alſo not further to proſecute the other Complaints recited in the Petition: In fine, the ſaid Chancellor moniſhed the Churchwardens then preſent, to ſee his ſaid Order put in Execution, together with the Advice of the ſaid Dr Layfield, and ſome of the principal of the Veſtrymen, and to certify of the Performance hereof before the Feaſt of the Annunciation of our bleſſed Lady the Virgin next coming.

SECT.

SECT. V.

Parochial CHURCHES, *and* CHURCH-YARDS.

I. *Licentia pro celebrando in Oratorio.*

* Winchelſey, Regiſt. f.264. a. & alibi frequenter.

ROBERTUS &c. Dilecto Filio Domino Willielmo de Brochulle, Militi, ſalutem, &c. Ut in Oratorio quod habes in Domo tuâ infra Parochiam Eccleſiæ de Saltwode, ſine præjudicio dictæ Eccleſiæ, poſſis Divina facere celebrari, Tibi Licentiam concedimus per præſentes; exceptis diebus Dominicis & aliis magnis ſolempnitatibus, in quibus Te & familiam tuam, niſi ob magnam Infirmitatis cauſam, vel aliam neceſſariam & evidentem, dictam Eccleſiam Parochialem pro audiendis Divinis Volumus frequentare. Ita quòd Capellanus qui in dicto Oratorio tuo celebrabit, Rectori præfatæ Eccleſiæ præſtet Juramentum, quòd ſibi obediens erit, & ipſam Eccleſiam ſuam à Jurium ſuorum ſubtractione vel diminutione ſervabit indempnem, & quòd de Obventionibus & Oblationibus, ratione Cantariæ ſuæ in dicto Oratorio tuo percipiendis, ſibi & dictæ Eccleſiæ ſuæ de Saltwolde fideliter & integrè reſpondebit; quòdque nulla Sacramenta vel Sacramentalia Eccleſiaſtica in eodem Oratorio cuiquam miniſtrabit. Nos etiam tibi firmiter in virtute obedientiæ injungimus & mandamus, quatenùs nichil in præjudicium dictæ Matricis Eccleſiæ, occaſione præmiſſorum, facias aut permittas aliqualiter attemptari; præſentibus ultra biennium minimè valituris, niſi aliud interim ſuper hoc duxerimus ordinandum. In cujus rei teſtimonium &c. 1299. Dat.' apud Cherring.' viij° Kalend.' Maij, Anno Domini milleſimo ducenteſimo nonageſimo nono, Conſecrationis noſtræ quinto.

The Ordinary grants Licence to Celebrate in an Oratory, on *private* days;

—provided that no Rights be taken from the Parochial Miniſter.

II. *Licentia ad Divina audienda & celebranda in Capellâ nuper conſtructâ.*

Whitg. f.358. a.

JOHANNES, divinâ Providentiâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, ad quem omnis & omnimoda Juriſdictio ſpiritualis & Eccleſiaſtica, quæ ad Epiſcopum Ciceſtrenſem ſede plenâ pertinuit, ipſâ Sede jam vacante notoriè dignoſcitur pertinere; Dilecto nobis in Chriſto *Johanni Wilgoſe* de Iridge infra Parochiam de Saleherſt, dictæ Ciceſtrenſis Diœceſis, ſalutem. Cùm, uti informamur, domus ſolitæ Habitationis tuæ infra Parochiam de *Saleherſt* prædictam circiter duo milliaria ab Eccleſiâ tuâ parochiali matrice diſtet, ita quòd tam propter Diſtantiam prædictam, quàm lutoſitatem ac alia incommoda viarum, ad eandem Eccleſiam parochialem matricem pro divinis audiendis, & Sacramentorum Adminiſtratione, ſine periculo & difficultate te cum familiâ tuâ conferre nequeas, nobiſque humiliter ſupplicari feceris, quatenus tibi, unà cum familiâ tuâ, hæredibus, & aſſignatis tuis, cum familiis ſuis, perpetuis futuris temporibus, ad divina audienda & Sacramenta adminiſtranda, infra capellam à te nuper conſtructam, Ædibus ſolitæ Habitationis tuæ prædictæ propinquam & vicinam, Licentiam & Facultatem noſtras concedere & elargiri dignaremur; Nos, hujuſmodi Petitioni tuæ ex cauſis prædictis annuentes, Tibi, ut unà cum Familiâ tuâ & Hæredibus, ac aſſignatis ſuis, unà cum Familiis ſuis, ad dictam Capellam, Ædibus tuis prædictis (ut præfertur) vicinam, pro divinis audiendis, & Sacramentis adminiſtrandis, perpetuis futuris Temporibus vos conferre, ac eandem frequentare, poſſitis & valeatis, Licentiam & Facultatem noſtras concedimus & impertimur per præſentes. Volentes tamen, quòd, in Signum Juris ſuperiori Matrici Eccleſiæ debiti & reſervati, per quatuor Anni Tempora (viz. in Feſto Paſchatis, Divi Baptiſtæ, Sancti Michaelis Archangeli, & Nativitatis Domini) ad eandem Eccleſiam tuam Matricem, unà cum Familiâ tuâ, ad divina audienda & Sacramenta percipienda in ſingulis Annis accederes, necnon fructus, decimas, & alia jura Eccleſiaſtica Rectori & Vicario ejuſdem Eccleſiæ tuæ Parochialis quæ eiſdem Rectori & Vicario integra, illæſa, & nullo modo imminuta non obſtantibus ſupraſcriptis, tenore præſentium reſervamus. In cujus Rei Teſtimonium, ſigillum noſtrum quo in hac parte utimur, præſentibus apponi fecimus. Datum decimo quarto Maii 1585. Et noſtræ Tranſlationis Anno ſecundo. 1585.

Recites, — The Inconveniencies of repairing to the Mother-Church.

—and the Petition of the perſon for Licence to hear Divine Service in his own Chapel,

—which is granted,

—provided, they repair to the Mother-Church four times a year, and pay all dues.

III. *Licentia Familiæ, ad frequentandam aliam Eccleſiam, quàm ſuam Parochialem, ratione Vicinitatis.*

A Houſe ſtanding nearer another Church, than to the Church of the Pariſh,

—the Owner obtains leave, for himſelf and family, to repair to that other Church;

—provided it be without Damage to the Miniſter of the Pariſh Church,

—and that the Family go to their own Church, once a year at leaſt, at or about Eaſter.

GEORGIUS &c. Dilecto nobis in Chriſto Davidi Papillon de Lubnam in Comitatu Leiceſtriæ, Diœceſis Lincoln.' noſtræq; Cantuarienſis Provinciæ, Generoſo, Salutem & Gratiam. Porrecta nobis nuper pro parte tuâ Petitio continebat, Quòd Eccleſia Parochialis de Lubnam prædict.' à domo tuâ ſive manſione ſolitæ habitationis tuæ intra eandem Parochiam tam longè diſtat, viz. ultra milliare, ita ut tu cum Uxore tua ac liberis & famulis tuis, propter loci prædicti diſtantiam, viarum & itinerum (udis præſertim & hiemalibus temporibus) difficultates, corporúmque veſtrorum aut aliquorum veſtrorum imbecillitatem, dictam Eccleſiam Parochialem de Lubnam, prout aliàs de Jure aſtrictus & paratus es (ut aſſeris) adire, & ad Preces divinas ac Conciones audiendas, & Sacramenta participanda, ita ſæpiùs frequentare commodè non poſſis neque valeas: Cumque etiam (uti eadem Petitio continebat) Eccleſia Parochialis de Marſon in Comitatu Northampton.' Diœceſis Petriburgenſis, noſtræque Cantuarienſis Provinciæ prædictæ, domui ſive manſioni ſolitæ habitationis tuæ apud Lubnam prædict.' multo magis vicina exiſtit & commoda, ut eam multo faciliùs & cum minore labore, corporiſque tui, ac Uxoris tuæ, ac liberorum & famulorum tuorum diſcrimine, quàm Eccleſiam Parochialem de Lubnam prædict.' ad divina audienda diebus Dominicis & feſtivis adire & frequentare poſſis; & ideo Nobis humiliter ſupplicari feciſti, quatenùs, præmiſſorum intuitu, Licentiam & Facultatem ſub modo & formâ inferiùs deſcriptis, tibi, Uxori, liberis & famulis tuis, in poſterum concedere dignaremur: Nos igitur precibus & ſupplicationibus tuis, utpote juſtis & rationabilibus, in hac parte, præmiſſorum impedimentorum intuitu, favorabiliter inclinati; Ut tu, cum uxore & liberis tuis, omnibuſque aliis domeſticis & famulis tuis, de tempore in tempus, Eccleſiam parochialem de Marſon prædictam adire, ac eandem Eccleſiam, ad divinas preces & conciones audiendas & Sacramenta participanda, frequentare liberè, licitè, & impune poſſis & valeas, poſſitque & valeat eorum quilibet; dummodo Eccleſiæ veſtræ Parochiali de Lubnam prædictæ, vel miniſtris ejuſdem, vel dictæ Eccleſiæ Parochiali de Marſon prædictæ, nullum exinde præjudicium, damnum vel gravamen generetur; Licentiam & Facultatem noſtras, ex cauſis prædictis, & aliis Nos in hac parte juſtè moventibus, (quantum in nobis eſt, & de jure, Legibus, & Statutis hujus Regni Angliæ in hac parte poſſumus, & non aliter) tibi, & uxori tuæ, cum liberis & famulis tuis, concedimus & impertimur per præſentes: Ita ut ex cauſis ſupradictis (ſemper inoffenſis Legibus, Statutis, & Conſuetudinibus hujus Regni Angliæ, quatenus nobis in hac parte licebit) nec Miniſter de Lubnam vel Marſon prædict', nec etiam ullus Inferior Ordinarius pro tempore exiſtens, te, uxorem tuam, liberos, famulóſve tuos vel eorum quemlibet, præmiſſorum occaſione, moleſtare vel inquietare quoviſmodo valeat vel præſumat. Proviſo tamen ſemper, quòd juxta Proviſionem Statutorum hujus Regni Angliæ in ea parte editorum & proviſ', tu, uxor tua, ac liberi & alii domeſtici tui ibidem pro tempore exiſtentes, ſemel ad minimum, ad vel circa Feſtum Paſchatis, quotannis, idque temporibus maxime ad id opportunis, adeuntes ad Divinas Preces & Conciones audiendas, Sacramentáque participanda, & Eccleſiam veſtram Parochialem de Lubnam prædict.' accedere teneamini ac teneantur; præmiſſis, vel eorum aliquo non obſtantibus. In cujus rei Teſtimonium &c. Dat.' viceſimo tertio die Menſis Maii, Anno Domini milleſimo ſexcenteſimo triceſimo tertio, & noſtræ Tranſlationis Anno viceſimo tertio. 1633.

IV. *Licentia ad erigendum Baptiſterium, & purificand.' Mulieres, in Capellâ.*

Recites——— The Diſtance of Brentwood from the Mother-Church,

2 Newt. Vic. Gen. f. 167, b.

JOHN by divine Permiſſion Lord Biſhop of London, To all Chriſtian People to whom theſe Preſents ſhall come, or ſhall or may in any wiſe concern, and more eſpecially to the Vicar, Churchwardens, and Inhabitants of the Pariſh of Southweald in the County of Eſſex and Dioceſe of London, ſendeth Greeting in the Lord God everlaſting. Whereas it hath been ſet forth to us by the Inhabitants of Brentwood, that, by reaſon of the great Diſtance from their Mother Church of Southweald, they are put to very great Inconveniencies in carrying their Children thither to be Baptized, and their Women to be churched, upon which account they have been for many Years indulged in that irregular Practice of having their Children chriſtned at their own private Houſes, to the great Abuſe of that publick ordinance, and the Encouragement of Diſſenters, who are very numerous in thoſe Parts; and they have humbly petitioned us, that we would give them our Leave, Licence or Authority for erecting a Font in a commodious Chapel they have in the ſaid Town of Brentwood, where

where the Holy Sacrament of Baptiſm may be publickly and decently adminiſtered, and their Women Churched in a due and regular manner, as in and by a Petition under the hands of divers of the moſt principal and ſubſtantial Inhabitants of the ſaid Town of Brentwood, now remaining in our principal Regiſtry, relation being thereunto had, it doth and may more fully appear; And whereas the Reverend Mr Ralph Bridges Clerk, Vicar of the ſaid Pariſh of Southweald, hath, by a Writing under his Hand, wrote on the back of the ſaid Petition, expreſſed and declared his conſent thereto, reſervation being made to him, as Vicar of the ſaid Pariſh, of all his juſt Rights and Dues: We therefore the Biſhop aforeſaid, well weighing and conſidering the Premiſes, do, in order to preſerve the Decency and Diſcipline of the Church in all its Offices, and conſulting the eaſe and conveniency of the People committed to our Charge, by Virtue of our Power ordinary and epiſcopal, and as far as by the Eccleſiaſtical and Temporal Laws of this Realm, we can or may, give and grant to the ſaid Inhabitants of the Town of Brentwood, our Leave, Licence and Authority, to erect a Font in ſome commodious place in the ſaid Chapel, within the ſaid Town of Brentwood, where the Holy Sacrament of Baptiſm may be decently and publickly adminſtered to Infants born in the ſaid Town, and that the Women of the ſaid Town may be churched there in a due and regular manner: Saving and reſerving to the ſaid Mr Ralph Bridges and his Succeſſors, Vicars of Southweald, all their juſt Rights and Dues, as Vicars of the ſaid Pariſh. In Witneſs whereof we have cauſed the Seal of our Chancellor, which we uſe in this Behalf, to be affixed to theſe 1715. Preſents. Dated the firſt day of April, in the Year of our Lord God one thouſand ſeven hundred and fifteen, and in the ſecond Year of our Tranſlation.

— and the Conſent of the Vicar.

Decree.

V. *Licentia ad Sepeliendum in Cœmeterio Capellæ, ſalvis Juribus Matricis Eccleſiæ.*

† Peccham; Regiſtr. f. 108, b. — Jure Ordinario.

NOverint univerſi Chriſti fideles, quòd Nos Frater † J. miſeratione divinâ Cant.' Eccleſiæ Miniſter humilis, totius Angliæ Primas, communicato conſilio Decani & Canonicorum Eccleſiæ Suthmalling, conceſſimus Capellæ de Ringmere, quòd cùm contigerit tempore hyemali, propter Inundationes Aquarum aut nimiæ Tempeſtatis eventum, corpora Parochianorum decedentium dictæ Capellæ ad Matricem Eccleſiam Suthmalling commodè non poſſe portari, in Cœmiterio dictæ Capellæ Sepulturæ tradantur; prædictæ Matricis Eccleſiæ, cui per conceſſionem hujuſmodi in nullo præjudicare intendimus, tam in Mortuariis quàm Oblationibus & Obventionibus, & aliis quibuſcunque, in omnibus jure ſalvo. Liceat etiam Vicario dictæ Capellæ qui pro tempore fuerit, publicè mendicantes, nec habentes unde ad Matricem Eccleſiam faciant ſe portari cùm in fata deceſſerint, in dicto ſepelire Cœmiterio; cum indemnitate tamen (ut prædiximus) Matricis Eccleſiæ ſupradictæ. Ut autem præfatæ Sepulturæ Conceſſio inviolabiliter in præſcriptâ formâ ſervetur, & memoratæ Matrici Eccleſiæ futuris temporibus in nullo dampnoſa aut præjudicialis exiſtat, Volumus, & ſub pœnâ Canonicâ Ordinamus, quòd Vicarius qui in dictâ Capellâ pro tempore fuerit, pro ſe & Capellano ſuo, ſi quem eum habere, vel aliàs in dictâ Capellâ Divina celebrare contigerit, Juratoriam exhibeat Cautionem, quòd non niſi ſub modo & formâ prædictis, niſi dictorum Decani & Canonicorum petitâ & optentâ Licentiâ, aliquorum ſepeliet Corpora Defunctorum, & quòd prædictam Matricem Eccleſiam illæſam in omnibus & ſingulis conſervabit. In rei verò ſic geſtæ fidem & teſtimonium, ſigilli noſtri munimine præſentes fecimus communiri. Dat.' & Act.' Suthmalling, 2 Non. Jul. anno 1283. gratiæ 1283, & Ordinationis noſtræ quinto.

By reaſon of frequent Inundations between a Chapelrie and the Mother-Church,

—Licence is granted by the Ordinary, that in ſuch caſe, the Inhabitants may be buried at the Chapel,

—the Curate taking an Oath, not to injure the Mother-Church.

VI. *Proceſs for Licence to bury at a Chapel of Eaſe.*

Grind. f. 82, a.

ON Saturday the nineteenth of May (1576,) by general Conſent of Hillingdon and Uxbridge, there met at Fulham before Edwyn the Biſhop of London, for the Concluſion of Burial to be had at Uxbridge, and the erecting of a Church-yard there, theſe Perſons following for both Sides:

Proceſs before the Biſhop.

For Hillingdon.

James Hankinſon, Vicar.
Henry Chapman.
John Lydwell.
John Attle.
Thomas Rayner.
John Rayner.
John Pennard.
William Pennard, ſen.
William Pennard, jun.
Peter Partridge.
William Quarrington.
William Robins.

For Uxbridge.

Thomas Hewes, Eſq; Roger Attle.
John Hardgrave. William Shrympton.

The ſaid Edwyn Biſhop of the Dioceſe, and Patron of the ſaid Pariſh of Hillingdon, then and there, with the Conſent of the foreſaid Vicar and the reſidue aforeſaid, did, under his Hand and Seal, grant the Requeſt aforeſaid; ſaving all Duties due thereby unto Hillingdon their Mother Church, as before Times hath been accuſtomably paid: as for example, naming ſpecially theſe particular Duties following, upon the Motion of the Parties aboveſaid.

Firſt, for the repairing of Hillingdon Church, being the very Pariſh Church unto Uxbridge, beſides the Chapel thereof which was erected for their Eaſe, (for the which Eaſe they muſt pay) ſhall and muſt, together with the Inhabitants of Hillingdon, repair and amend as need ſhall require.

For the Church-yard there, for ſo much as they have heretofore made, they muſt hereafter repair the ſame as if they had no Church-yard of their own.

For every one that ſhall be buried in their Chapel, they muſt pay to their Pariſh Church as accuſtomably hath been paid thither, (viz.) 6*s* 8*d*.

For every one that ſhall be buryed in the Church-yard there, both young and old, by this Decree, they ſhall pay to the Clarke for his Duties but 2 *d*; and he to be diſcharged from making the Graves.

Sententia Domini Epiſcopi.

Recites, — the great need of a new Church-yard,

EDWYNUS Permiſſione divinâ London.' Epiſcopus, omnibus Chriſti Fidelibus ad quos hoc præſens ſcriptum pervenerit, ſeu quos infraſcripta tangunt, ſeu tangere poterint quomodolibet in futurum, Salutem, Gratiam, & Benedictionem. Pro parte probor.' virorum inhabitantium ſive oppidanor.' Urbis ſive oppidi de Uxbridge, noſtræ London.' Diœceſ.' nobis jam pridem humilitèr expoſitum fuit, quòd cum dictum Oppidum de Uxbridge fuerit & ſit admodum populoſum, atque ejus Inhabitatores ab antiquiſſimo tempore, ex munificentia & largitione principum hujus Regni Angliæ, Jus utendi & fruendi libero mercatu uno die in qualibet Anni ſeptimana, & binis Nundinis in quolibet Anno habeant, fueritque Urbs ipſa commodis diverſoriis, pro receptaculo Itinerantium & ad eandem confluentium, decenter conſtructa, per quam quidem Urbem, ex remotiſſimis hujus Regni partibus ad Civitatem London.' atque ad fora & judicia publica tam ſpiritualia quam temporalia, in dictâ Civitate & locis adjacentibus celebrata, atque etiam ad Aulam Regiam in dictis partibus ut plurimùm tentam, communis tam Magnat.' quam plebeior.' Itinerantium fiat Concurſus, habeatque præterea Urbs ipſa celebrem & amplam Eccleſiam ſive Capellam quaſi in medio dictæ Urbis à tempore immemorato conſtructam, atque inſignibus Eccleſiæ parochialis decorat.' ad quam pro divinis audiendis, Sacramentiſque & Sacramentalibus recipiendis, oppidani & inhabitantes hujuſmodi, cum eorum Famulis & Advenis, temporibus congruis accedere ſoleant, ibique per Vicarium perpetuum Vicariæ perpetuæ Eccleſiæ parochialis de Hillingdon, cui Capella prædicta notoriè eſt annexa atque ab eadem dependens, in divinis Officiis commodè deſerviatur, ita quòd ultra fines limites & ſepta Oppidi prædicti pro hujuſmodi divinor.' perception.' exire non cogantur; hoc tamen incommodi eis accidit, quòd pro morientium & decedentium infra Oppidum prædictum, quocunque morbo vel caſu contingat, extra terminos limites & fines ejuſdem Oppidi, viz. ad Eccleſiam parochialem de Hillingdon procul diſtan', pro Sepultura illic vel in Cæmiterio eidem adjacente obtinend', ex quodam inveterato uſu adire cogantur, unde quamplurima incommoda Detrimenta & Scandala eidem Oppido & Inhabitantibus ejuſdem hactenus accedunt, ex eo præſertim quòd inter geſtanda Corpora hujuſmodi defunctor,' per viam publicam ſive regiam quæ ducit ab illa Urbe ad Civitatem London', neceſſariò eundem ſit, Corpora hujuſmodi, cum Catervis concomitantibus, obvia fuerunt ultro citroque itinerantibus & viatoribus, eiſque nonnunquam fuerunt impedimento & terrori, adeo quod diverſi exinde & vani rumores, de epidemia & aliis contagioſis morbis in oppido prædicto graſſantibus & ſævien', plerumque contra veritatem in vulgus ſparguntur & confinguntur, eâque occaſione concurſus & confluentia, tam Magnat.' quam plebeior', qui alioquin ad Urbem ipſam accedere volebant minuitur, atque ad alias partes deflectitur: Quapropter nobis pro parte inhabitantium ejuſdem Oppidi de Uxbridge fuit & eſt humilitèr ſupplicatum, quatenus incommodor.' & ſcandalor.' prædict.' evitand.' gratiâ, atque ad relevamen oppidanor.' prædict.' à ſuperfluo onere deportandor.' defunctor.' prædict.' extra fines ejuſdem oppidi, ut licitè valeant & poſſint, tam infra Capellam prædictam, quam etiam infra Cæmiterium quod inhabitatores hujuſmodi in loco admodum propinquo propediem conſtruere intendunt, decedentes hujuſmodi Eccleſiaſticæ tradere Sepulturæ, noſtram Authoritatem interponere dignaremur: Nos igitur Epiſcopus antedict', ad quem Jus Patronatûs Vicariæ prædictæ notoriè ſpectat & pertinet,

pertinet, dictorum ſupplicantium Petitionibus in hac parte favorabilitèr inclinat.' tractat.' & communicationem cum Jacobo Hankinſon Vicario ibidem moderno, & aliis Jus & intereſſe in hac parte prætendentibus habuimus, & quia de veritate præmiſſor.' nobis ſufficientèr conſtabat & conſtat, conſenſum noſtrum in hac parte Petition.' dictor.' inhabitantium adhibuimus; dictus quoque Vicarius conſenſum ſuum expreſſum ad eadem coram nobis dedit & adhibuit. Ut igitur in poſterum, tàm infra Capellam de Uxbridge prædict', quàm in Cæmiterio per inhabitantes prædict.' ad eum Effectum propediem conſtruend', & præparand.' Inhabitantes prædict.' Corpora quorumcunque infra Oppidum prædict.' deceden.', vel aliis ibidem ſepeliri volentium & diſponend.' Eccleſiaſticæ Sepulturæ per Miniſtros Vicariæ de Hillingdon pro tempore exiſtentes, vel ejus deputat.' ſufficien', de tempore in tempus, tradere & committere valeant & poſſint, pro nobis & ſucceſſoribus noſtris, quantum in nobis eſt, & Jura Regni patiuntur, tenore præſentium diſpenſamus; & Licentiam noſtram damus, ita quòd in prima ejuſdem Cæmiterii Erectione præcedat ſacra Concio in eodem, per aliquem doctum & pium Virum per nos approband': Juribus noſtris Epiſcopalibus, atque Eccleſiæ noſtræ Cathedralis London.' Dignitate & Honore, Jure Vicariæ de Hillingdon, atque alterius, cujuſcunque in omnibus ſemper ſalvis. In cujus Rei Teſtimonium Sigillum noſtrum Epiſcopale præſentibus apponi fecimus. Dat.' Londini, decimo nono die Menſis Maii, Anno Domini 1576, & noſtræ Tranſlationis Anno ſexto. Ed.' London.' per me Jacobum Hankinſon Vicarium. Porro, ex Conſenſu omnium Partium ordinatum & decretum eſt, quòd ſi quæ Controverſia oriatur, ut eadem decidetur ex Arbitrio & Judicio Domini Epiſcopi London.' pro Tempore exiſtente, abſque omni Juris Strepitu aut Appellatione. Dat.' Die & Anno ſupradictis. Ed. London.

— and Communication thereupon with the Vicar, and others.

Decree;

1576.

All Differences ariſing, to be determined by the Biſhop.

VII. *Fundatio Cœmeterii.*

* Whitgift; 1 Regiſtr. f. 165. --- Jure Ordinario.

*JOHANNES, Divinâ Providentiâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus; Univerſis & ſingulis Chriſti Fidelibus, præſentes Literas Teſtimoniales viſuris, lecturis, aut quos infra ſcripta tangunt ſeu tangere poterunt quomodolibet infuturum, Salutem in Domino Sempiternam, ac Fidem indubiam præſentibus adhiberi. Cùm dilecti nobis in Chriſto Inhabitantes Parochiæ Sancti Thomæ in Le Clive juxta Lewes, Decanatûs de Southmalling, noſtræ, & Eccleſiæ noſtræ Chriſti Cantuarienſis Juriſdictionis immediatæ, nobis nuper humiliter ſignificaverint, quòd licèt à Tempore perantiquo Parochiani & Inhabitantes dictæ Parochiæ Sancti Thomæ, quâdam Permiſſione & Conniventiâ, infra Cœmiterium Eccleſiæ Collegiatæ de Southmalling prædict.' ſepeliri conſueverint, nunc tamen dictum Cœmiterium in Laicum Feodum tranſiiſſe, & in profanos uſus ita converſum eſſe, ut ad Corpora Defunctorum ibidem ſepelienda penitùs ſit inidoneum: Unde, dicti Parochiani & Inhabitantes quendam vacuum Locum ſive Solum pro Cœmeterio, & Sepulturæ Loco, perpetuis futuris Temporibus habendo, continen.' per æſtimationem dimidiam acram Terræ, ſituat.' jaeen.' & exiſten.' in Stratâ Boreali dictæ Parochiæ Sancti Thomæ, adjacen.' Tenemento cujuſdam Simonis Beldam ibidem ex Parte Boreali, & Tenemento Agnetis Emery Viduæ ex Parte Auſtrali, ac altam viam Regiam ex Parte Occidentali, & Terram Edwardi Buſt ex Parte Orientali, Sumptibus ſuis propriis compararunt, Nobiſque humiliter ſupplicari fecerint, quatenùs Tranſlationem Sepulturæ prædictæ, omniaque & ſingula eandem Concernentia, Authoritate noſtrâ Ordinariâ & Archiepiſcopali confirmare & comprobare dignaremur: Idcircò, Nos Johannes Archiepiſcopus antedictus, Authoritate qua fungimur in hac Parte, quantum in nobis eſt, ac de Jure & Statutis hujus Regni Angliæ poſſumus, Decernimus, quòd impoſterum perpetuis futuris Temporibus, omnes & ſinguli qui poſthac infra dictam Parochiam Sancti Thomæ in Le Clive prædict.' decedere, & ab hac Luce migrare contigerint, infra dictum vacuum Locum, ſive ſolum jacen.' in Strata boreali ejuſdem Parochiæ, per Parochianos & Inhabitantes ibidem pro Sepulturæ loco (ut præmittitur) comparat.' ſepelientur & inhumabuntur: Et quòd dictus vacuus locus ſive ſolum, pro Cœmeterio & loco Sepulturæ dictorum Parochianorum & Inhabitantium perpetuis futuris Temporibus habeatur, ac omnibus & ſingulis Privilegiis, loco Religioſo ac publicæ & Chriſtianæ Sepulturæ deſtinato debitis, munitum cenſeatur; Quem quidem locum in Cœmiterium & Chriſtianæ Sepulturæ in omne ævum duraturum tenore præſentium facimus, conſtituimus & ordinamus; necnon omnia & ſingula ſuprà-ſcripta circa dictæ Sepulturæ Tranſlationem geſta, expedita, & conceſſa, quantum in nobis eſt, per Præſentes Literas noſtras Patentes Confirmamus & Approbamus. In quorum omnium & ſingulorum Fidem & Teſtimonium, Sigillum quo in ſimilibus utimur, Præſentibus apponi fecimus. Dat.' decimo Die Menſis Junii, Anno Domini 1584, & noſtræ Tranſlationis Anno primo.

Pariſhioners, who were wont to bury in the Church-yard of a Collegiate Church, now turned into a Lay-fee,

— pray that they may Bury in a Parcel of Ground by them purchaſed for that uſe;

—which is Decreed accordingly,

— and the ſaid Ground is conſtituted a Church-yard for ever, with all Privileges.

1584.

VIII. *Actus Conſecrationis Cœmeterii.*

A Church-yard being too narrow to receive the Dead,

—a Parcel of Ground is purchaſed, and beſtow'd for a new one;

—which is Conſecrated by the Archbiſhop, by reaſon of the Indiſpoſition of the Ordinary;

—and endowed with all the Privileges of a Church-yard.

Regiſtr. Teniſ.

IN Dei Nomine, *Amen.* Cùm Cœmeterium Eccleſiæ Parochialis de Lambeth Dioceſ.' Winton.' Cantuarienſiſq; Provinciæ, anguſtius ſit quàm ut decenti ac commodæ Fidelium infra Parochiam prædictam demortuorum Sepulturæ ſufficiat; cúmque Nos, hujuſmodi incommodo ſubvenire penitùs cupientes, fundum quendam prope vicum dictum *The Back-Lane*, infra Parochiam de Lambeth prædict.' jacentem (extenden.' in latitudine, in ſuperiori ejus Parte, à ſeptentrione verſus Meridiem centum & quatuordecim Pedes, duos pollices; in inferiore verò ejus Parte centum & ſex Pedes, quinque pollices, aut eo circiter; ac in Longitudine, ab oriente verſùs Occidentem ex latere ejus ſeptentrionali, Ducentos quinquaginta quatuor Pedes, duos pollices; Ex Latere verò Meridionali, Ducentos quinquaginta unum Pedes, ſeptem Pollices, aut eo circiter continentem;) nuper impenſis noſtris Comparavimus, Mœnibuſque Lateritiis cingi fecimus, commodiori ac decentiori Parochianorum & aliorum ibidem decedentium Sepulturæ inſerviturum, dandum & concedendum, prout ex nunc eundem damus & firmiter concedimus per Præſentes; Nos * Thomas, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus (Dei Omnipotentis Nomine primitùs invocato, ejuſque Auxilio & Benedictione imploratis) Confratre noſtro ac Reverendo admodùm in Chriſto Patre, Petro Permiſſione Divinâ Epiſcopo Winton.' valetudine impedito, Authoritate noſtrâ Archiepiſcopali & Metropoliticâ Ordinariâ, & quatenùs Legibus, Statutis, Conſuetudinibus, & Canonibus hujus Regni Angliæ poſſumus, procedentes; Fundum prædictum à priſtinis & aliis quibuſcunque uſibus communibus & profanis ſeparandum fore decernimus, ac in uſum Inhabitantium de Lambeth prædict.' eorumque Succeſſorum, in Cœmeterium ſive Locum Sacrum, pro Sepulturâ Fidelium infra Parochiam prædictam demortuorum, aliorumque ibidem rite Sepeliri contingentium, Aſſignamus, Dedicamus & Conſecramus, ſicque ſeparatum, aſſignatum, dedicatum, & conſecratum, in futuris perpetuis Temporibus remanere debere, palam & publicè Pronunciamus, decernimus, & declaramus; Privilegia inſuper omnia & ſingula in eâ Parte uſitata & requiſita, ac Cœmeteriis ſive Locis ſacris Sepulturæ, ab antiquo fundatis & conſecratis, competentia, hujuſmodi Cœmeterio ſive loco Sacro Sepulturæ ad Parochiam de Lambeth prædict.' ſpectanti, Authoritate prædictâ Dantes & Reſervantes, prout Damus & Reſervamus, per hanc noſtram Sententiam, ſive hoc noſtrum finale Decretum, quam ſive quod ferimus & promulgamus in hiis ſcriptis. 1705.

* Teniſon.

IX. *Commiſſio in Cauſa Exhumationis Corporis in Loco profano.*

A Body having been bury'd in *unconſecrated* Ground, while the Church-yard remained *unpolluted*,

—is directed to be dug up, and bury'd in the Church-yard.

Arund. p. 1, f. 98, b.

THOMAS &c. Dilectis in Chriſto Filiis Domino Thomæ Martyn, Rectori Eccleſiæ parochialis de Walſoken, Norwicen.' Dioceſ.' ipſiuſque Capellano parochiali, & Procuratoribus ſeu Firmariis ibidem, Salutem, Gratiam, & Benedictionem. Gravem ſuſcepimus Dilectæ Nobis in Chriſto Filiæ Hawyſer Holland Querelam, continentem, quòd nonnulli iniquitatis Filii, Deum, nec Sanctam Eccleſiam verentes, quendam . . . Fratrem & Germanum ejuſdem querelantis, apud Summum Altare in Eccleſia prædicta, die Veneris prox.' poſt Feſtum omnium Sanctorum ult.' præterit', crudelitèr interfecerunt; Eccleſiam prædictam ea Occaſione enormitèr polluendo; propter quòd cum & Cœmiterium eidem Eccleſiæ contiguum pollutum cenſeatur ipſo Jure, vos ac alii ejuſdem Eccleſiæ Parochiani, Corpus ejuſdem defuncti in loco profano tradidiſtis Sepulturæ, ut informamur: Super quibus præfata &c. Nos igitur &c. Vobis conjunctim & diviſim firmitèr injungentes mandamus, quatenus, ſi ita ſit, ac præfatus defunctus in Fide & Eccleſiæ unitate deceſſerit, Corpus ejuſdem, ſi abſque Periculo exhumari poterit, in Cœmiterio Eccleſiæ memoratæ, cum per Conſanguineos ejuſdem defuncti fueritis requiſiti, faciatis ſepeliri; alioquin Cauſam rationabilem, ſi quam habeatis, quare noſtris in hac Parte mandatis non paretis, nobis citra Feſtum Pentecoſt.' prox.' futur', ubicunque fuerimus, in noſtrâ Civitate aut Dioceſ.' ſeu Provincia, ſub Sigillo authentico referre curetis omninò. Dat.' in Manerio noſtro de Lamhith, ſub Sigillo noſtro 7° Die Menſis Maii, Anno Domini 1400, noſtræ Conſecrationis quarto. 1400.

X. *Licence for laying the Ground, whereon the Vicarage Houſe ſtood, into the Church-yard.*

Recites, — The Allegations of the Vicar, &c.

2 Newt. Vic. Gen. p. 18.

HENRY by divine Permiſſion Lord Biſhop of London, To all Chriſtian People to whom theſe Preſents ſhall come, or ſhall or may in any wiſe concern, ſendeth Greeting, in our Lord God Everlaſting. Whereas it has lately been made appear to

to us by Peter Newcombe, Clerk, Vicar of the Pariſh of Hackney in the County of Middleſex, and of our Dioceſe and Juriſdiction, that the Space of Ground, whereon the old ruinous Vicarage Houſe of Hackney aforeſaid lately ſtood, containeth Fifty four Foot and nine Inches from North to South, by Thirty ſix Foot ſix Inches from Eaſt to Weſt, or thereabouts; adjoining on the Eaſt to the Church-yard, on the North to the Houſe now inhabited by Tho. Holgate, Cornchandler, on the Weſt to the common High Way, and on the South, partly to the Church-yard, and partly to the common High Way, which, by its Situation, may reaſonably be ſuppoſed to have been heretofore taken, partly out of the one, and partly out of the other, it breaking in irregularly upon both, to gain Room for the building the Vicarage Houſe on, and to accomodate the ſame with a little Court-Yard: And that all the ſaid Ground is now, and, as it is, can be of no further Uſe or Benefit to him the ſaid Peter Newcombe or his Succeſſors; and he the ſaid Peter Newcombe hath humbly prayed our Leave, Licence or Faculty to diſpoſe of the ſaid Ground for the Benefit of him and his Succeſſors in Manner following: (viz.) That at the Requeſt of the Inhabitants of Hackney (who have liberally contributed towards the Charge of building a new Vicarage Houſe) upon a valuable annual Conſideration, to be by the Officers of the ſaid Pariſh, or otherwiſe, paid to him the ſaid Peter Newcombe and his Succeſſors, part of the ſaid waſte Glebe Ground, containing Fifty four Foot and nine Inches in Length from North to South, and fifteen Foot from Eaſt to Weſt, or thereabouts, may be laid into the High Way whereto it next adjoins, for the Enlargement thereof, and to which it ſeemeth formerly to have belonged, which is there too narrow for the Conveniency of Coaches coming to and from the Church; And that the Remainder of the ſaid Ground adjoining to the Church-yard, which, ranging even with the ſame, may be ſuppoſed to have been formerly ſome Part thereof, may be aſſigned for a Place or Places of Burial, and that he the ſaid Peter Newcombe may have our Leave and Licence to appropriate any Parcel or Parcels thereof, by a Faculty or Faculties from us, to particular Perſons, for their building of a Vault or Vaults, wherein to lay their Dead, upon ſome valuable Conſideration, not only for raiſing a preſent Sum to be expended towards the building a Brick Wall round the now Vicarage Houſe, but alſo for the perpetual Augmentation of Burial Fees, as ſhall be thought reaſonable to be agreed upon, that will for the future hence accrue upon the opening of the ſaid Vault or Vaults for every Corpſe to be there depoſited, much to the Advantage of him the ſaid Peter Newcombe and his Succeſſors, Vicars of the ſaid Pariſh of Hackney; as in and by the Petition under the Hands of the ſaid Peter Newcombe, now remaining in our principal Regiſtry, it doth and may more fully appear: And whereas Francis Tyſſon, Eſq; Patron of the ſaid Vicarage of Hackney, hath, by a Writing under his Hand, bearing Date the thirtieth Day of April laſt, certified us of the Truth of the afore-mentioned Petition of the ſaid Peter Newcombe, and alſo expreſſed his free Conſent to the Matter therein contained; We therefore the Biſhop aforeſaid well weighing the Premiſſes, and conſidering that the ſaid Space of Glebe Ground whereon the ſaid old Vicarage Houſe ſtood, is not, and, as it is, can be of no Uſe or Profit to the ſaid Peter Newcombe or his Succeſſors, do therefore, by Virtue of our Power ordinary and Epiſcopal, and as far as by the Eccleſiaſtical and Temporal Laws of this Realm we can or may, hereby give and grant to him the ſaid Peter Newcombe, Vicar of Hackney, our Leave Licence and Authority to diſpoſe of the ſaid Ground for the Benefit of him and his Succeſſors, in Manner following. Viz. That Fifty four Foot and nine Inches in length from North to South, and fifteen Foot from Eaſt to Weſt, or thereabouts, Part of the ſaid waſte Glebe Ground, may, upon a valuable annual Conſideration, to be by the Officers of the ſaid Pariſh paid to him the ſaid Peter Newcombe and his Succeſſors, laid into the High Way whereto it next adjoins, for the Enlargement thereof, and to which, as it is repreſented to us, it ſeems to have formerly belonged, and which is there too narrow for the Conveniency of Coaches coming to and from the Church; and that the Remainder of the ſaid Ground adjoining to the Church-yard, which (as it is ſet forth) ranges even to the ſame, and is ſuppoſed to have been formerly ſome Part thereof, may be aſſigned for a place or places of Burial; and that the ſaid Peter Newcombe may appropriate any parcel or parcels thereof, by Virtue of a Faculty or Faculties from us or our Succeſſors, or our or their Chancellor, to particular Perſons, Pariſhioners of the ſaid Pariſh, for their building a Vault or Vaults for the Burial of their Dead, upon ſome valuable Conſideration, not only for the raiſing of a preſent Sum to be expended towards the building of a Brick Wall round the new Vicarage Houſe, but alſo for the perpetual Augmentation of Burial Fees, as ſhall be thought reaſonable to be agreed upon, that will for the future hence accrue upon opening the ſaid Vault or Vaults, for every Corpſe to be therein depoſited, much to the Advantage of him the ſaid Peter Newcombe and his Succeſſors, Vicars of Hackney aforeſaid. In Witneſs whereof we have cauſed the Seal of our Chancellor,

—and Conſent of the Patron.

The Decree.

which we uſe in this Behalf, to be ſet to theſe Preſents. Dated the ſixth Day of May, in the Year of our Lord one thouſand ſeven hundred and ſix, and in the thirty firſt Year of our Tranſlation. 1706.

XI. *Decretum de Exhumando Corpore, ſepulto in Capellâ Hameleti, in præjudicium Matricis Eccleſiæ.*

A Body being buried at a Chapel of Eaſe,

—and that Chapel appearing, judicially, not to have the Right of Burial; —the Body is decreed to be dug up, and buried at the Mother-Church.

Iſlip fol. 60 b. 1ſt. Jure Ordinario.

IN Dei Nomine, *Amen.* Auditis & intellectis meritis negotii Exhumationis Corporis cujuſdam Saræ Cole, mulieris defunctæ, Inhabitantis (dum vixit) Hameleti de Padeleſworth in Parochiâ de Lyming Cantuarienſis Diœceſeos notoriè ſituat.' poſt & contra Inhibitionem Sepulturæ auctoritate venerabilis Patris Domini Simonis Dei gratiâ Cantuar.' Archiepiſcopi, &c. apud Padleſworth prædict.' faciendæ, in Capellâ dicti Hameleti traditæ Sepulturæ, ex officio dicti Patris, ad promotionem Domini Ricardi Rectoris Eccleſiæ de Lymyng prædictæ, contra Parochianos de Lymyng dictum Hameletum inhabitantes moti, & in Audientiâ dicti Patris agitati; Nos, Johannes de Severleye, Cauſarum & Negotiorum Curiæ dicti Patris Auditor & Commiſſarius, Chriſti nomine invocato, ad ſententiam definitivam ſive pronunciationem finalem in dicto negotio procedimus in hunc modum: Quia per acta, actitata, producta, exhibita & confeſſata, invenimus probatum clarè, Corpus dictæ mulieris in loco omninò carente Jure ſepeliendi, & penitus interdicto, videlicet in Capellâ dicti Hameleti, in Præjudicium Eccleſiæ Matricis, ſepultum clanculò, videlicet, per Willielmum Cole filium dictæ defunctæ, Robertum Smyth, & Willielmum Pilcher, Inhabitantes Hameletum prædictum, & Parochianos Eccleſiæ de Lymyng; ipſum Corpus per eoſdem exhumandum, & ad Eccleſiam de Lymyng prædictam etiam per ipſos deferendum, & inibi fore ſepeliendum, decernimus in hiis ſcriptis; ipſoſque in expenſis condempnamus; ſalvâ nobis Taxatione ipſarum. 1352.

XII. *Licentia pro Extumulando, & Removendo, Corpus Sepultum.*

The Removal of one after Burial, to another Place, being deſired,

—is accordingly Decreed.

† Baudak; Regiſtr. f. 22, b.

* F. ſalutem; vel Animam.

†RADULPHUS, Permiſſione Divinâ Epiſcopus London.' Dilecto in Chriſto Filio Johanni Skyp, Rectori Eccleſiæ ſancti Martini in Vinetria London.' Salutem, gratiam, & benedictionem. Attendentes affectionem quam Cognati & Amici Vitalis de Tapye Agen.' Diœc.' dudum defuncti, & in Eccleſiâ veſtrâ prædictâ jam triennio elapſo & ampliùs ſepulti, ad ipſius defuncti * . . . . pro quâ eo devotiùs animarentur & crebriùs ad exhibend.' pia Caritatis Suffragia ſuo Creatori, quo ſæpiùs ipſius defuncti oſſa apud ipſos tumulata memorarentur; factâ nobis Fide Summariè de honeſtate petitionis eorundem; Ut Oſſa dicti defuncti, quæ veriſimiliter à carne jam incinerata, lapſu tanti temporis jam ſeparata conjicimus, extumulare poſſitis, per dicti defuncti amicos ad partes Agenenſ.' transferenda, & ibidem Eccleſiaſticæ collocanda Sepulturæ, Licentiam in Domino Concedimus ſpecialem per Pæſentes, Sigilli noſtri Impreſſione communitas. Datum London.' Non.' Junii, Anno Domini M° CCC° Nono. 1309.

XIII. *Commiſſio pro Appropriatione Loci Sepulturæ in Eccleſiâ.*

Recites,

The Allegations of the Party,

Chaw. Vic. Gen. p. 50.

WILLIAM by the Providence of God Lord Biſhop of London, Lord High Treaſurer of England, To our well beloved in Chriſt Sir Thomas Fowler Knight and Baronett, of the Pariſh of St. Mary Iſlington in the County of Middleſex, of our Dioceſe and Juriſdiction of London, and to all others to whom theſe Preſents ſhall come, and whom they do, ſhall, or may concern, ſendeth Greeting in our Lord God Everlaſting. Whereas you the ſaid Sir Thomas Fowler have alledged before Us, and the Right Worſhipful Arthur Ducke Doctor of Laws our Chancellor, That in Anno Domini 1618, your late Father Sir Thomas Fowler Knight deceaſed, having Leave and Allowance from the then Lord Biſhop of London our late Predeceſſor, did make a Vault in the Eaſt End of the North Iſle of the Chancel of the Pariſh Church of St. Mary Iſlington aforeſaid, for the Burial of the Lady   Fowler your late Wife deceaſed, and for himſelf and his Poſterity; And whereas alſo we have received a Certificate under the Hands of the Miniſter, Churchwardens, and divers of the ancient and better Sort of the Pariſhioners of the ſaid Pariſh, that the ſame Vault is now filled with dead Corpſe of the Kindred and Family of you the ſaid Sir Thomas Fowler, and cannot contain any more to be there interred, and that the Eaſt End of the North Iſle aforeſaid, wherein the ſaid Vault is made, is but eight Foot in Length, and thirteen Foot in Breadth, in the whole Circumference thereof; And that the

the ſame Vault, filled with the dead Corpſe of your Family and Kindred as aforeſaid, containeth but eight Foot in Length, and ſeven Foot and a half in Breadth, and that there is remaining in the End of the ſaid Iſle, adjoyning to the ſame Vault, five Foot and a half of Ground in Breadth, and eight Foot in Length, which is not as yet broken up, And wherein there hath not been any dead Bodies of any the Pariſhioners buried for the Space of thirty Years laſt, which may conveniently be ſpared without Prejudice to any of the Pariſhioners of the ſaid Pariſh, as by the ſaid Certificate, remaining in our principal Regiſtry, more fully and plainly appeareth; And thereupon you the ſaid Sir Thomas Fowler have humbly deſired, that by our Authority, the ſaid Ground remaining in the Eaſt End of the ſaid North Iſle, not yet broken up, may be aſſigned unto you for the enlarging of the ſaid Vault; And that your ſaid Vault, together with the ſaid Addition, may be aſſigned and confirmed for a Burial Place unto you the ſaid Sir Thomas Fowler, and to your Family and Poſterity inhabiting within the ſaid Pariſh for ever; and our ſaid Chancellor hath decreed the ſame to be aſſigned and confirmed accordingly: We therefore the Biſhop aforeſaid, for the Reaſons before expreſſed, by our Authority ordinary and Epiſcopal, have, and do by theſe Preſents aſſign and confirm unto you the ſaid Sir Thomas Fowler, your Family, and Poſterity, being Inhabitants of the ſaid Pariſh, the Eaſt End of the North Iſle of the Pariſh Church of St. Mary Iſlington aforeſaid, containing in Length eight Foot, and in Breadth thirteen Foot and a half, (part whereof being a Vault wherein the dead Bodies of your late Wife and others of your Family were interred) formerly made by the Leave and Allowance of our late Predeceſſor as aforeſaid, containing in Length eight Foot, and in Breadth ſeven Foot and a half, and the Reſidue thereof adjoyning to the ſame Vault (which is not yet broken up,) containing five Foot and a Half in Breadth, and eight Foot in Length, where there hath not been any dead Bodies buried of any Pariſhioners for the Space of thirty Years laſt paſt, to be added to the ſaid Vault for the enlarging thereof as afore you have deſired: To have hold and enjoy the ſame for a Burial Place, for, and to the only Uſe of you the ſaid Sir Thomas Fowler, your Family and Poſterity, from Time to Time, which ſhall be Dwellers and Inhabitants within the Pariſh of St. Mary Iſlington aforeſaid: Provided always that the ſame Vault be, from Time to Time, repaired by you the ſaid Sir Thomas Fowler, and your Family, and Poſterity. In witneſs whereof, we have cauſed the Seal of our Chancellor, which we uſe in this Behalf, to be ſet to theſe Preſents. Dated the Day of the Month of January, in the Year of our Lord, according to the Computation of the Church of England, 1638. And in the ſixth Year of our Conſecration.

The Decree.

1638.

XIV. *Licentia pro Conſtruendo Sepulchrum & Monumentum.*

* Tillotſon, Regiſtr. f. 123, a. Jure Ordinario.

* JOHANNES, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Univerſis & ſingulis Chriſti Fidelibus, ad quos hoc præſens ſcriptum pervenerit, aut quos infrà ſcripta tangunt ſeu tangere poterint quomodolibet in futurum, & præſertim Rectori ſive Curato, necnon Guardianis, Æconomis, & Parochianis Eccleſiæ Parochialis Sanctæ Mariæ Magdalenæ in Civitate & Diœceſi Cantuarienſi, Salutem. Cùm quidam *Johannes Whitfield*, nuper Civitatis prædictæ Generoſus, defunctus, per Teſtamentum ſuum diverſa Legata in uſum & Beneficium Civium Civitatis prædictæ, & præſertim Parochianorum & Inhabitantium Parochiæ Sanctæ Mariæ Magdalenæ prædictæ, dederit & donaverit: Cumque Corpus ſive Cadaver tam dicti Johannis Whitfield defuncti, quam Corpora ſive Cadavera Uxoris ſuæ & Conſanguineorum, & Affinium ſuorum, in Auſtrali Inſulâ dictæ Eccleſiæ Parochialis Sepulturæ tradita ſint; Cúmque Executores Teſtamenti dicti defuncti ſummopere deſideraverint ad Conficiend.' & conſtruend.' Sepulchrum infra Eccleſiam Parochialem prædictam, pro præfato Johanne Whitfield, Uxore, Liberis, Conſanguineis, Affinibus, & Hæredibus ſuis, futuris Temporibus in perpetuum Sepeliend.' & ſuper dicto Sepulchro Monumentum ſive Monumenta in Memoriam Perſonarum prædictarum defunct.' conſtruend.' Cúmque Rector, Guardiani ſive Æconomi, & Parochiani dictæ Parochiæ beatæ Mariæ Magdalenæ prædictæ, per Certificatorium gerens Datum quarto Die Junii milleſimo ſexcenteſimo nonageſimo ſecundo, & penes Regiſtrarium Vicarii noſtri in Spiritualibus Generalis remanens, Nos certiores fecerint, quòd tale Sepulchrum, cum monumento ſuperimpoſito in loco commodo, abſque aliquo præjudicio Eccleſiæ prædictæ fieri poſſit; amovendo (ſcilicet) quædam vetuſta ſedilia ſub vel prope primam feneſtram in Auſtrali Tabula Eccleſiæ prædictæ extenden.' in Longitudine decem Pedes, & octo Pedes in Latitudine, Cúmque Executores prædicti Nobis humiliter ſupplicari fecerint, quatenùs eis pro Confectione & Conſtructione hujuſmodi Sepulchri ſive Conditorii & Monumenti ſive Monumentorum prædict.' Licentiam ſive Facultatem noſtras concedere & elargiri dignaremur: Nos, hujuſmodi Petitioni Executorum prædictorum favorabiliter annuentes, præfatis Executoribus,

The Building of a Burial-place for the Family, being deſired by the Executors of the Deceaſed,

—and the Rector and Churchwardens having certified, that it may be done, without Prejudice to the Church;

—Licence is accordingly granted for a Burying-place, Monuments, Coat-Armour, *&c.*

—(provided that the Epitaphs be firſt ſhown to the Ordinary,)

—with all the Rights of a Place of Burial.

ribus, ut Sepulchrum ſive Conditorium (ſedibus vetuſtis prædictis priùs dirutis) in eorum locis ſub vel prope primam Auſtralem Feneſtram Inſulæ Auſtralis dictæ Eccleſiæ Parochialis Beatæ Mariæ Magdalenæ prædictæ, novem Pedes longum & totidem Pedes latum, & altum ſeptem Pedes, pro præfato Johanne Whitfield, Uxore, Liberis, Conſanguineis, Affinibus & Hæredibus ſuis & eorum familiis perpetuis futuris Temporibus ibidem ſepeliend.' Condere & extruere, & ſuper eodem Sepulchro Monumentum ſive Monumenta, Sculpturis & Epitaphiis ornatum, in Memoriam Perſonarum prædictarum defunct.' erigere, & ut liceat dictis Executoribus Arma & Inſignia dicti Johannis Whitfield in Inſulâ prædictâ ſuper Monumentum prædictum pingere ſive exculpere, Authoritate noſtrâ Archiepiſcopali, & (quantum in nobis eſt, & de Jure & Statutis hujus Regni Angliæ poſſumus, & non aliter) Licentiam ſive Facultatem noſtras concedimus & impertimur per præſentes. (Proviſo ſemper, quòd Epitaphia prædicta Monumento inſcribenda, in præſens ſive impoſterum, per Nos, ſive Vicarium noſtrum in Spiritualibus Generalem, vel Succeſſores noſtros, priùs approbentur:) Necnon Sepulchrum ſive Conditorium hujuſmodi ſic per Executores prædictos conſtruendum, pro loco Sepulturæ perſonarum ſuperiùs mentionatarum, & non aliarum, in perpetuum duraturo, quantum de Jure poſſumus, Tenore præſentium facimus, conſtituimus, & ordinamus; ac Sepulchrum ſive Conditorium hujuſmodi omnibus & ſingulis Privilegiis, loco Religioſo & Chriſtianæ Sepulturæ deſtinatis, debitè munitum haberi volumus per præſentes. Mandantes inſuper quibuſcunque in quorum Cuſtodiâ Claves dictæ Eccleſiæ remanent, ſeu impoſterum ſunt remanſuri, quatenùs hujuſmodi Claves Executoribus prædictis eorúmve Aſſignatis ſeu Deputatis, ad Effectum perficiendi præmiſſa, immediatè poſt oſtenſionem præſentium, tradant ſeu deliberent, ſeu ſic tradi faciant; ac ulterius mandantes eis in ſpecie, ac omnibus aliis in genere, quatenùs dictis Executoribus eorúmve Operariis ſive Deputatis, in præmiſſis peragendis quantum in eis eſt, aſſiſtant, & nullo modo obſtent ſeu contradicant, ſub pœna Juris. In cujus Rei Teſtimonium, Sigillum Vicarii noſtri in Spiritualibus Generalis præſentibus apponi fecimus. Dat.' tertio Die Menſis Decembris, Anno Domini milleſimo ſexcenteſimo nonageſimo ſecundo, Noſtræque Conſecrationis Anno ſecundo.

1692.

PAROCHIAL OFFICERS, *and* OFFICES.

XV. *The Eſtabliſhment of a Select Veſtry.*

1 Mart. Vic. Gen. f. 286.

Recites,—The great Diſorder and Confuſion, in Pariſh Meetings, as prov'd before the Chancellor;

—and the Petition of the Pariſhioners for a ſelect Veſtry;

GEORGE by the Providence of God Biſhop of London, To the Curate, Miniſter, Churchwardens, and Pariſhioners of the Pariſh of St. Botolph without Aldgate London, and of our Dioceſe and Juriſdiction, ſendeth Greeting in the Lord. Know ye that, whereas it hath been alledged before Sir Henry Martin Knight, and Doctor of Laws, our Chancellor, by Mr John Griggs, Miniſter and Curate of the Pariſh Church of St. Botolph without Aldgate aforeſaid, and by Edward Randall, Peter Udale, John Wheeler, and Reynold Thomſon, now Churchwardens there, for and in the name of themſelves and other the Pariſhioners of the ſaid Pariſh, eſpecially thoſe of the antienteſt and better Sort of them, and by way of Petition ſignified unto our ſaid Chancellor, that, through the great Confuſion and Diſorder in their ſaid Pariſh at their Church Meetings, by Reaſon of the Ignorance and Weakneſs in Judgment, about Matters of that Nature, of ſome of the Pariſhioners that have reſorted thither, and by the Diſſent of ſome of the Multitude of the Inhabitants, they being greater in Number, and thereby more ready to croſs the good Proceedings for the Benefit of their Church and Pariſh, and the Poor therein, than able to further, by Counſel and otherwiſe, the good thereof, there hath fallen out ſome Unquietneſs and Hindrance to the good Proceedings, which they deſire ſhould be in their ſaid Pariſh, and thereupon they humbly deſired, that, as heretofore upon like Petition had been obtained, ſo there might now be a certain Number, namely xlviij, beſides the Miniſter or Curate, and the Churchwardens there for the Time being, which might be appointed continually to be Veſtrymen, for the ordering and directing of ſuch Things as belong to their ſaid Church and Poor, as are to be done by the Pariſh; and that ſome Errors or Inconveniencies in their former Grants, Confirmations, or Inſtruments for this Purpoſe, might be reformed; and they have named for the preſent, Mr John Briggs, now Miniſter or Curate there, Thomas Bynton, James Diſmaiſters, Richard Cooper, Peter Leonard, William Carpenter, William Price, William Hart, Henry Bludder, John Harrington, John Bourn, Robert Lenton, Peter Udal, John Webſter, Thomas Abbott, Robert Hewes, John Weeks, Richard Dryer, Thomas Wood, Anthony Marlder, Henry Munter, Samuel Rowland, William Playce, Jerrard Ward, Richard Starr, Robert Kell, Chriſtopher Lee, William Church, John Rowſe,

Rowſe, John Scott, Stephen Everett, Edward Randall, Leonard Thomſon, Eleazer Barns, Peter Shipman, Thomas Croxon, Francis Northfolke, Nathaniel Thory, John Greene, Richard Mayn, Edmund Thorp, Daniel Ruſſell, Thomas Harrington, Abraham Weſſell, John Stubbs, Thomas Currier, Robert Thomas, George Preſſon, Robert Durrington, Henry Cordwayn, and Henry Moorton, Pariſhioners and Inhabitants in that Pariſh, who are the moſt ſufficient Men of the ſame Pariſh, and of whom the moſt Part have been Conſtables and Churchwardens, or born other Office or Place of Credit in that Pariſh, whereupon they are thought fit for this Service, and as any of theſe ſhall decay, remove out of the Pariſh, or depart this Life, or become ſcandalous by Drunkenneſs, Whoredom, Extortion, or other evil Life, or groſs Miſdemeanor, they deſired, that ſuch other Pariſhioners of the ſame Pariſh as have born the like Office, or be otherwiſe ſufficient, and be grave and honeſt Men fit for that Place, may ſucceed them, and they to be choſen by the Reſidue of the ſaid Veſtrymen that ſhall meet for that Purpoſe, or the greater Number of them, ſo as the Number of them that ſhall ſo meet be four and twenty at the leaſt, and the Miniſter or Curate to be one of them, if he may conveniently be had: We, duly conſidering of this their Petition, that it doth tend to the Peace, Quiet, and Good of the ſaid Church, Pariſh, and Poor, and alſo, to the Intent that the ſaid Pariſhioners may the rather be incited to do ſome good Works of Charity towards the Relief of the Poor of the ſame Pariſh, have given Order to our ſaid Chancellor to allow, and ſo we do allow, of this Order; and ſo far forth as lawfully, and by the Laws Eccleſiaſtical of this Land we may, and no otherwiſe, do approve and ratify the ſame, and allow of their Petition, concerning Matters belonging to their Church, Poor, and Pariſh; and alſo do name and appoint the foreſaid perſons, and every of them, and none other, to be Veſtrymen in the ſaid Pariſh; the whole Buſineſs generally concerning the whole Pariſh to be ordered and done joyntly by all the ſaid Veſtrymen, or the greater Number of them, that upon publick Notice given by the Miniſter or Curate there for the Time being, or the pariſh Clerk there, in his Abſence, upon ſome Sabath Day or Holyday, in Time of divine Service, or otherwiſe as by ancient Cuſtom hath formerly been uſed, ſhall meet for ſuch Veſtry Buſineſs, and no other, ſo as the Number of them that ſhall ſo meet be four and twenty at the leaſt, beſides the Miniſter or Curate there for the Time being, who always ſhall be preſent, if conveniently he may be had; And of the ſaid twenty four, twelve of them ſhall be commorant within the Liberty of London, and the other twelve within the Liberty of Eaſt Smithfield, for the Diſpatch of ſuch Buſineſs as generally concerns the whole Pariſh; but ſuch particular Buſineſs as concerns only the Inhabitants in Eaſt Smithfield, ſhall be ordered only by the Miniſter or Curate for the Time being, if conveniently he may be had, and the greater Number of ſuch Veſtrymen inhabiting within the Liberty of Eaſt Smithfield aforeſaid, as upon the Notice before ſpecified ſhall meet for ſuch Veſtry Buſineſs; and ſuch particular Buſineſs as concerneth only the Inhabitants within the Liberty of London, ſhall be ordered only by the Miniſter or Curate for the Time being, if he may conveniently be had, or the greater Number of ſuch Veſtrymen inhabiting within the Liberty of London, as upon the Notice before ſpecified ſhall meet for ſuch Veſtry Buſineſs; and the Veſtrymen inhabiting within the Liberty of London, ſhall not at all intermeddle with ſuch particular Buſineſs as only concerns the Inhabitants of Eaſt Smithfield, nor the Veſtrymen inhabiting within the Liberty of Eaſt Smithfield, ſhall at all meddle with ſuch particular Buſineſs as only concerns the Inhabitants within the Liberty of London: And the ſaid Miniſter or Curate, Churchwardens, and Veſtrymen, as we appointed, and which hereafter from Time to Time ſhall be choſen and appointed to be Veſtrymen within the ſaid Pariſh, ſhall, from Time to Time and at all Times hereafter, keep their ſaid Veſtries and Aſſemblies at and in their common Veſtry Houſe, and not in any private Houſe, or in any other Place, except upon ſome ſpecial and urgent Occaſion, a Meeting be appointed in any private Houſe, or Place, by a common Conſent of the Miniſter, Churchwardens, and Veſtrymen there for the Time being: and at ſuch their Meetings, the Buſineſs ſhall be propounded by the Miniſter or Curate of the ſaid Pariſh, or by the Churchwardens there for the Time being, to the publick Notice and Conſideration of them all in general, for ſuch Buſineſs as concerns the whole Pariſh in general, and only to the particular Veſtrymen inhabiting in each particular Limit, for ſuch particular Buſineſs as only concerns each particular Limit, and not the general Inhabitants in that Pariſh: And after due and mature Deliberation had, and an Agreement thereupon made, the ſame to be held and reputed as an Order of the Veſtry, and to be regiſtered in a Book appointed for that Purpoſe, with the Day, Month, and Year of ſuch their Meeting, together with the Names of thoſe that were preſent, and did give their Aſſent and Conſent unto the ſame; with this Proviſo, that the Curates Hand, if conveniently he may be had, and the Hands of the Churchwardens there for the Time being, ſhall be had and obtained unto ſuch their Order; They only and none

—to be fill'd up by *Election* of the remaining Veſtrymen, as oft as Vacancies happen.

Biſhop by his Authority conſtitutes a ſelect Veſtry,

—with proper Powers,

—and the Meetings to be kept in the Veſtry-Houſe, under the Direction of the Miniſter,

—and Vacancies to be filled up.

Veſtry ſhall have no Power over the Miniſter,

—nor concern themſelves with the Preſentments of the Churchwardens.

other, in Manner and Form aforeſaid, and not otherwiſe, to intermeddle with and order all ſuch Matters and Buſineſſes as do belong to the ſaid Church, Pariſh, and Poor. And that as any of them ſhall decay, remove out of the Pariſh, or depart this Life, or become ſcandalous by Drunkenneſs, Extortion, or other evil Life, or groſs Miſdemeanour, whereof there ſhall be firſt a Preſentment made, either to me or my ſaid Chancellor, or to the Lord Biſhop of London, or his Chancellor for the Time being, or as any of them ſhall otherwiſe become unfit or troubleſome for the Society, Meeting, and Buſineſs, utterly to expell and amove, and to chuſe ſuch other Perſon and Perſons of the ſame Pariſh, of fit Quality and Converſation, in his and their Rooms ſo dying, removing, or decaying, or becoming ſcandalous, or otherwiſe unfit to do and execute all ſuch other Things belonging to Veſtrymen, for the Good and Benefit of the ſaid Church, Poor, and Pariſh. With theſe Limitations following (viz.) That they do not at any Time, * [nor upon any Occaſion whatſoever, preſume to call before them any Miniſter, Preacher, or Curate, who ſhall be commorant within the ſaid Pariſh, into their Veſtry, to be queſtioned withal, but ſhall leave them and their Cauſes wholly to the calling, hearing, ordering, or cenſuring of the Eccleſiaſtical or Temporal Magiſtrate; Againſt whom they ſhall have any Complaint, they ſhall inform the ſaid Magiſtrate, according as the Nature and Quality of the Cauſe ſhall be, and ſhall miniſter Occaſion: Further, that they ſhall not any ways in either Veſtry intermeddle with the Churchwardens and Sidemens Office, concerning the making of any of their Bills of Preſentments, which they are upon their Oaths to deliver up unto the Eccleſiaſtical Court, nor ſhall in the ſaid Veſtry queſtion with them about any Thing which they are to preſent, or ſhall preſent, except it be to inform them of any Abuſe worthy to be preſented, but ſhall ſuffer the ſaid Churchwardens and Swornmen, freely, without their ſeeking to be made privy to any of their Preſentments, to diſcharge their Conſciences and Duties according to their Oaths; neither ſhall the ſaid Veſtrymen take upon them to call before them unto their ſaid Veſtry any Parties, whom the Churchwardens are obliged to preſent by their Oaths, to take any Account of the Churchwardens and Sidemen of the Parties who are to be preſented, or of the Cauſes and Suſpitions upon which they are to be preſented; Beſides, they are not hereby authorized, but ſhall wholly forbear, to call before them at their Veſtry, or to hear or intermeddle with any Cauſe, Matter, Crime, Preſentment, or Offence determinable, puniſhable, or being of Eccleſiaſtical Cognizance, either begun to be called in Queſtion, or preſented, heard, ordered, cenſured, or decreed to be heard, ordered, or cenſured in any Eccleſiaſtical Court, but ſhall forbear in their ſaid Veſtry any ways to intermeddle in any of theſe Premiſes, as no ways belonging to them, but to the Eccleſiaſtical Cognizance and Court, and if they ſhall intermeddle in any of their Veſtries in any Matters contrary to the Limitations aforeſaid, concerning Eccleſiaſtical Perſons, Cauſes, or Matters, This our Allowance of their Veſtry, concerning Church Matters, to be meerly void as if it had never been granted.] In Witneſs whereof, we have cauſed the Hand and Seal of our ſaid Chancellor, which we uſe in this Behalf, to be ſet to theſe Preſents. Dated the ſeventh Day of January in the Year of our Lord God, according to the Computation of the Church of England, 1622, and in the ſecond Year of our Tranſlation.

1622.

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* *N.B.* The Limitations here mentioned, and incloſed between theſe Marks [ ], are omitted in the Inſtrument here refer'd to, and are taken from another in the ſame Regiſter p. 262, b.

XVI. *Citation for Contempt in diſmiſſing a Pariſh Clerk, contrary to the Order of the Biſhop.*

Recites—That the Biſhop had ſent out an Inhibition, to forbid the diſcharging of a Pariſh Clerk;

1 Stanh. Vic. Gen. f. 234.

—and that, notwithſtanding, the Veſtry had diſmiſſed him.

JOHN by divine Providence Biſhop of London, To the Vicar, Miniſter, for the Time being, Churchwardens, Sidemen, and all other the Pariſhioners and Inhabitants of St. Martin in the Fields: Whereas I did of late, namely on Sunday the laſt of June 1558, by Intimation under my Seal of Office, intimate unto you, that you ſhould neither in your Veſtry, nor other Aſſembly, proceed to the removing of Robert Forreſt Clerk of your Church of St. Martin in the Fields, until ſuch time as you had judicially before me, or my Chancellor, at the Beginning of the next Term, propounded and proved ſuch Matter againſt him, as being proved, might have made juſt Cauſe to have removed him, for that by the Laws Eccleſiaſtical of the Realm of England, the placing and diſplacing of thoſe Eccleſiaſtical Officers doth belong unto the ordinary of the Place: And whereas I am further given to underſtand, and that is judicially confeſſed by Robert Harland late Curate of that Place, that, notwithſtanding the publiſhing my former Decree, you did immediately meet together in the Veſtry, or other Place of Meeting in your Church, and there in Contempt of the Juriſdiction

riſdiction Eccleſiaſtical, and to the violating of my Intimation and Inhibition publiſhed unto you as before, did proceed to the diſplacing of the ſaid Robert Forreſt from the Place of his Clerkſhip, without complaining either to me or to my Chancellor of the ſame Forreſt, or without alledging or proving any Matter at all againſt him, for his removing, contrary to all due Courſe of Law and Juſtice. Theſe are therefore to intimate and ſignify unto you, that I do by theſe Preſents pronounce your ſaid Proceedings void and of no Force or Validity, as done contrary to the expreſs Commandment of your Ordinary; and I do likewiſe pronounce the ſaid Robert Forreſt for to be your lawful Pariſh Clerk, and do intimate unto you that he be ſo accepted of you, and that therefore you do ſee him preſently to poſſeſs and uſe his Place of Clerkſhip as before; And I do inhibit, by theſe Preſents, all other Perſons whatſoever to intermeddle in that Place of Clerkſhip: I do further, by theſe Preſents, cite Richard Woodlock, Matthew Clark *aliàs* Tyce, James Tyon, Robert Poultney, and Robert Gale, that they, and every of them, do make their perſonal Appearance in the Conſiſtory of the Cathedral Church of St. Paul in London, on Wedneſday, being the 16th Day of October next coming, before me or my Chancellor, to anſwer unto ſuch Articles of Contempt of the Eccleſiaſtical Juriſdiction as they ſhall there be charged with. In Witneſs whereof, I have cauſed my Seal to be put unto theſe Preſents. Dated at my
1588. Mannor of Hadham, the ſixth of July 1588. E. per me William Blackwell.

The ſaid Clerk confirmed,

—and divers perſons cited, to anſwer the Contempt.

XVII. *Suſpenſio Guardianorum Eccleſiæ pro permittendo Prædicator.' non-licentiat.' ad prædicandum.*

1 Stanh. Vic. Gen. f. 252.

JOHN by the Providence of God Biſhop of London, To all and ſingular Parſons, Vicars, and Curates whatſoever, within the the Dioceſe and Juriſdiction of London, and eſpecially to the Parſon or Curate of the Pariſh of St. Clement Danes without Temple Bar London, ſendeth Greeting in our Lord God Everlaſting. Where we the ſaid John, and the Right Worſhipful our well beloved in Chriſt Mr Valentine Dale Doctor of Law, one of the Maſters of the Requeſt, Sir Owen Hopton Knight, and Mr Edward Stanhop Doctor of Law, our Chancellor, our Colleagues, Her Majeſties High Commiſſioners for Cauſes Eccleſiaſtical, rightly and juſtly proceeding, have ſuſpended John Ceeley and Chriſtopher Fiſher, Churchwardens of the Pariſh of St. Clement Danes without Temple Bar aforeſaid, becauſe that they, contrary to an Intimation directed from my Lords Grace of Canterbury, and us the aforeſaid Biſhop of London, and others her Majeſties High Commiſſioners for Cauſes Eccleſiaſtical, did permit and ſuffer a Preacher unlicenced to preach in the ſaid Pariſh Church of St. Clements Danes, in Contempt of Us and our Juriſdiction Eccleſiaſtical, and have decreed the ſame to be publiſhed, with the Cauſe thereof, on Sunday next in Time of divine Service in the ſaid Church of St. Clements Danes, by ordinary Authority: Theſe are therefore to will and require you, joyntly and ſeverally, upon the next Sunday or Feſtival Day after the Receipt of theſe Preſents, in the Pariſh Church of St. Clement Danes aforeſaid, at ſuch Time as Divine Service ſhall be there celebrated, and as there ſhall be moſt Aſſembly there congregated, to publiſh and declare openly, that the ſaid John Ceeley and Chriſtopher Fiſher ſo were, and are, ſuſpended from the Exerciſe of their Function or Office of Churchwarden, for the Cauſes aforeſaid. In Witneſs whereof, we have ſet the Seal of our ſaid Chancellor, which we uſe in this Behalf, the third Day of January, in the Year of our Lord God, after the Computa-
1688. tion of the Church of England, one thouſand ſix hundred eighty eight, and in the twelfth Year of our Tranſlation. Will. Blackwell.

Biſhop recites, that her Majeſty's Commiſſioners had ſuſpended the Churchwarden, for ſuffering a non-licenſed Miniſter to preach;

—and requires the Miniſter to publiſh it on the next Sunday or Holyday.

XVIII. *Licentia Prælectoris.*

Tillotſon, f. 116, b.

JOHANNES Providentiâ divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto nobis in Chriſto Samueli Bradford, Clerico, in Artibus Magiſtro, Salutem, Gratiam & Benedictionem. Ad peragendum Officium Prælectoris, & ad prædicandum & exponendum Verbum Dei, juxta Talentum tibi à Domino Creditum, infra Eccleſiam parochialem Sancti Michaelis, Crooched-Lane London, Eccleſiæ Cathedralis & Metropoliticæ Chriſti Cantuarienſis peculiaris Juriſdictionis & immediatæ, Tibi, de cujus ſana Doctrina, & erga Sacroſanctum Chriſti Evangelium Zelo ſecundùm Scientiam, vitæque & Morum Integritate, certam in Domino concepimus Fiduciam, ſubſcriptis prius per Te & Juratis, coram Vicario noſtro in Spiritualibus generali, omnibus & ſingulis Articulis & Juramentis in hac Parte ſubſcribend.' & Jurand.' Licentiam & Facultatem noſtras concedimus per præſentes, ad noſtrum

beneplacitum duntaxat duraturos. In cujus Rei Teſtimonium, Sigillum Vicarii noſtri in Spiritualibus generalis præſentibus apponi fecimus; Datis decimo quarto Die Menſis Septembris, Anno Domini milleſimo ſexcenteſimo nonageſimo primo, noſtræque Conſecrationis Anno primo. 1691.

XIX. *Abſolutio Miniſtri à Crimine ſolemnizandi Matrimonium clandeſtinum*, &c.

Recites, that he had married divers Perſons, without Banns or Licence,

2 Stanh. Vic. Gen. f. 9.

— and had confeſſed, and ſubmitted to the Court, and promiſed to undergo the Penalties of the Canons.

Abſolution from Eccleſiaſtical Cenſures incurred.

JOHANNES Permiſſione divinâ London.' Epiſcopus, Dilecto nobis in Chriſto Johanni Ludham Clerico, Vicario de Wethersfield in Com.' Eſſexiæ, noſtrarum London.' Diœceſ.' & Juriſdictionis, Salutem in Domino. Quum nuper nobis & Officio noſtro, Famâ publicâ referente, dilatum fuit & eſt, Quòd tu præfatus Johannes Ludham Clericus, quandam Margaretam Brewſter Fæminam ſolutam, Authoritate Eccleſiaſtica legitimè excommunicatam, & denunciatam, ac in eodem Statu Animo pertinaci perſeverantem, abſque ullâ ei in eâ parte Abſolutione factâ, aut tibi intimatâ, ad ſacram cænæ dominicæ participationem temerè recepiſti, & eidem miniſtrâſti, non animo contemnendi Sanctiones Eccleſiaſticas, prout coram nobis judicialitèr aſſeveraſti, ſed ignorantèr, ſeu ſaltem nimis credulitèr, exiſtimans eam ab ejus Excommunicationis Sententia abſolutam fuiſſe credendo: Ac Matrimonia clandeſtina, inter quoſdam Johannem Ower dictæ Parochiæ, & Johannam Read Puellam, & inter Edvardum Wright, & Agnetem Eaſt Puellam, ſine aliquâ bannor.' matrimonial.' Editione aut Publicatione prius in ea parte habit.' aut fact.' de facto (licet minus juſtè id factum fuerit,) nullâque in ea parte Licentiâ ſive Diſpenſatione ab Ordinario loci obtentâ ſeu petitâ, inconſultè ſolemnizâſti, con.' formam Canon.' & Conſtitution.' Eccleſiaſticor.' in ea parte edit.' & cenſuras & pœnas in eiſdem Canonibus & Conſtitutionibus con.' tales latas, eâ occaſione manifeſtè & voluntariè incurrendo & incurriſti; unde nobis & officio noſtro ſubmiſiſti, & tibi de aliquo remedio opportuno in hac parte gratioſè providere humiliter ſupplicari feciſti; Nos vero veſtris Petitionibus & Submiſſioni annuen.' (factâ prius per te promiſſione de obſervando & perimplendo Injunctiones & Cenſuras Eccleſiaſticas Authoritate Eccleſiæ Anglicanæ in ea parte editas) Te à quibuſcunque Cenſuris Eccleſiaſticis, quas Occaſione præmiſſor.' incurriſti, & in quibus innodatus fuiſti & es, quantum in nobis eſt, & de Jure poſſumus, harum ſerie abſolvimus & liberamus, ac ſic abſolutum & liberatum fuiſſe & eſſe, & haberi & cenſeri, volumus. Et ut tu præfatus Johannes Ludham Clericus, præmiſſis non obſtan', Ordinibus per te ſuſceptis frui poſſis tecum diſpenſamus, quatenus de Jure poſſumus canonicè, Conſtitutionibus in contrarium facien.' non obſtan.' quibuſcunque. In cujus Rei Teſtimonium, Sigillum quo in hac parte utimur præſentibus apponi fecimus. Dat.' quoad Sigillationem præſentium, 19 Die Menſis Novembris, Anno Domini 1590, noſtræque Conſecrationis Anno 14°. 1590.

XX. *Abſolutio Laici, qui peregerat Officium publicum Sepulturæ.*

His Crime,

4 Stanh. Vic. Gen. p. 35.

— Submiſſion,

— and Abſolution.

EDWARDUS Stanhope Legum Doctor, Reverendi Patris Domini Richardi London.' Epiſcopi Vicarius in Spiritualibus Generalis & Officialis Principalis in & per totam Civitatem & Dioc.' Lond.' legitimè deputatus, Dilecto nobis in Chriſto Richardo Freeman de Weſtham, in Com.' Eſſexiæ, London.' Diœceſ.' & Juriſdictionis, Salutem in Domino. Cum Tu Richardus Freeman, merè Laicus exiſtens, Die martis, viceſimo tertio Die inſtantis menſis Maii, quendam Thomam Wilſon demortuum, dum vixit filium naturalem Danielis Wilſon de Weſtham prædict.' in Cæmiterio Eccleſiæ parochialis de Weſtham prædict.' ſepeliviſti, & contumulaviſti, Officium Preſbyteri ſive Diaconi in ea parte uſurpando, contra Leges, Canones, & Statuta hujus Regni Angliæ, eoque intuitu cenſuras & pœnas Eccleſiaſticas incurrendo, ſentiens jam te leges Eccleſiaſticas in ea parte violâſſe, & ut tibi de aliquo remedio opportuno in hac parte gratioſe providere de benignitate noſtra Eccleſiaſtica dignaremur, nobis humilitèr ſubmiſiſti: Nos itaque, tuis humilibus Submiſſionibus inclinantes & annuentes, factâ prius per te fide de errore tantùm, & jurium in ea parte ignorantiâ, in præmiſſis deliquiſſe, ac deinceps Legibus & Conſtitutionibus Eccleſiaſticis in omnibus obtemperaturum; Nos ——Te a quibuſcunque Excommunicationis, Suſpenſionis, ſive interdict.' Sententiis, & aliis cenſuris & pœnis Eccleſiaſticis quibuſcunque, in quibus de Jure, facto, aut Canone innodatus & irretitus ratione præmiſſor.' fuiſti & es, quantùm in nobis eſt, & quantùm de Jure, Legibus, Statutis & Conſtitutionibus Eccleſiæ Anglicanæ poſſumus, abſolvimus, & pro abſoluto, ad omnem Juris Effectum, per præſentes haberi volumus; priſtinoque tuo Statui, quantum in nobis, te reſtituimus ac

in

1598. omnium & ſingulorum ſic per nos geſtorum Fidem & Teſtimonium fieri decrevimus. Dat.' 26 Die Maii, Anno Domini 1598.

XXI. *Licence to bury one who died Excommunicate.*

2 Stanh. p.191.

EDWARD Stanhope Doctor of Law, and Chancellor of the Dioceſe of London, to our well-beloved in Chriſt Mr John Heyney Clerk, Parſon of the Pariſh Church of St. Martin Orgar, in the City, Dioceſs, and Juriſdiction of London, and to all other Chriſtian People to whom theſe Preſents ſhall come, and to them appertain, ſendeth Greeting in our Lord God Everlaſting. Whereas Catharine Throgmorton lately deceaſed, whilſt ſhe lived of the Pariſh of St. Martin Orgar aforeſaid, hath been heretofore, by Us and our Authority, for not appearing before Us, being cited for her Recuſance in not coming to Church, excommunicated; Foraſmuch as alſo it hath been made known unto Us by you the ſaid Mr John Heyneys Letter, judicially exhibited before Us, and Faith made of your Writing thereof, by Richard Butler, Son of her the ſaid Katharine, the Day of the Date thereof, that ſhe the ſaid Katharine was found by you the ſaid Mr Heyneys, all the Time of her Sickneſs, well diſpoſed, penitent, and relying wholly upon Jeſus Chriſt, and him only; And forſomuch as alſo it hath been deſired both by you the ſaid Mr Heyney in your ſaid Letter, that ſhe might be abſolved, and thereby receive the Rights due to a Chriſtian; Theſe are to let you underſtand, that upon due Conſideration of your the ſaid Mr Heyneys Letter, We have abſolved her from the Excommunication aforeſaid, and decreed that ſhe ſhall be buried in Chriſtian Burial. Theſe are therefore to will you the foreſaid Mr Heyney, that you do bury her the ſaid Catharine Throgmorton in Chriſtian Burial; and that, at the Time of her Burial, either in your Sermon, if you ſhall then preach, or before you proceed to bury her Body, that you do publickly ſignify unto the Congregation then there preſent, that, according as you have written unto Us, - - - - it pleaſed God ſo to work with her, that ſhe the ſaid Katharine Throgmorton ſhewed herſelf in her Sickneſs Time to be very penitent for all her Sins, and acknowledged herſelf to rely only upon Jeſus Chriſt; whereby we conceive good Hope, that God in the End did work with her to forſake all Merit whatſoever, either of Man or Saints, and to reſt only upon Chriſt Jeſus, have thought fit and decreed her to be abſolved, and buryed in Chriſtian Burial. In Witneſs whereof, we have ſet our Seal to theſe our Teſtimonial Letters, Dated 16th Day of October, one thouſand five hundred ninety and four. 1594.

Recites, — Her Excommunication,

— and Repentance during her Sickneſs.

Decree to bury her, and to declare her Repentance publickly to the Pariſhioners.

XXII. *Confirmatio Conſuetudinis approbandi Teſtamenta jure Prærogativæ.*

Mort. f. 218, b.

ALEXANDER Epiſcopus, Servus Servorum Dei, ad perpetuam Rei Memoriam. Ea quæ pro Honore, Dignitate, Authoritate, & Utilitate Eccleſiarum quarumlibet, præſertim Metropolitanarum Inſignium, & illis præſidentium, per longa Tempora inviolabilitèr obſervata fuerunt, firma perpetuò debent & illibata perſiſtere; & propterea illa Apoſtolico Munimine roboramus. Sane accepimus, Jura Regni Angliæ prohibere, ne aliquis Executor ſive bonorum Adminiſtrator, pro recuperandis alicujus defuncti debitis, quempiam in Cauſam coram aliquo ſeculari Judice trahat, niſi ſe Executorem Teſtamenti, bonorumve Adminiſtratorem dicti defuncti, ſub auctentico Sigillo Dioceſani Loci qui Teſtamentum approbaverit, & Inſinuationem receperit, ſeu bonorum hujuſmodi Adminiſtrationem commiſerit, oſtenderit: Et quia ſæpenumero contingebat, diverſos Ordinarios Approbationem unius Teſtamenti facere, prout bona ipſius defuncti in diverſis Dioceſibus reperiebantur, ac diverſis Perſonis Adminiſtrationem ipſorum bonorum committi, & propterea variæ Lites & Scandala oriebantur; Ad obviandum Scandalis, & Litibus hujuſmodi factum eſt, ut Archiepiſcopi Cantuarien.' pro Tempore exiſtentes, à tanto Tempore citra cujus contrarii Hominum Memoria non exiſtit, ex quadam Prærogativa Eccleſiæ Cantuarienſis, conſueverint omnia & ſingula Teſtamenta, quarumcunque Perſonarum ex Provincia Cantuarien.' pro Tempore decedentium, & bona ſive debita hujuſmodi habencium committere, & Decretum ſuum in hiis interponere, ſeu illorum Inſinuationem recipere, prout adhuc obſervatur de præſenti: Nos igitur, attendentes hujuſmodi Conſuetudinem, ex juſta & rationabili Cauſa, & ut Lites, ac Scandala ſemoverentur, ac decedentium Voluntates melius & facilius, ac ſine fraude, Executioni demanderentur, introductam fuiſſe; Ac conſiderantes quam ſit inſignis dicta Eccleſia Cantuarien', cui dilectus Filius noſter Johannes tituli Sanctæ Anaſtaſiæ Preſbyter Cardinalis, ex Conceſſione & Diſpenſatione

The Pope recites, that according to the Laws of England, none may ſue for the Debts of the Deceaſed, till the Will is proved under the Seal of the Dioceſan;

— and that if the Deceaſed had Effects in divers Dioceſes, the Probate ſhould belong to the Archbiſhop of Canterbury,

— Primate of all England, and Legate born;

—in whoſe Favour, the ſaid Cuſtom is confirm'd.

Apoſtolica præeſſe dinoſcitur, & cujus Ratione Archiepiſcopus illius, ab ejus primeva Fundatione, totius dicti Regni Primas, & ex Juris communis Diſpoſicione legatus natus exiſtit; motu proprio, non ad ipſius Cardinalis vel alterius pro eo nobis ſuper hoc oblatæ Peticionis Inſtanciam, ſed de noſtra mera Liberalitate, & ex certa Scientia, Prærogativam & Conſuetudinem prædictas, tanquam rationabiles hactenus obſervatas, Auctoritate Apoſtolica tenore Præſentium approbamus & confirmamus, ac Præſentis Scripti Patrocinio communimus; Supplentes omnes & ſingulos tam Juris quam facti Defectus, ſi qui forſan intervenerint in eiſdem, illaſque perpetuo inviolabilitèr obſervari decernimus & mandamus: Nos obſtantibus Apoſtolicis, ac bonæ memoriæ Octonis & Octoboni, olim in dicto Regno ejuſdem Sedis Legatorum, in Provincialibus quoque & Synodalibus Conſiliis, Editis, generalibus vel ſpecialibus Conſtitutionibus, & Ordinationibus, cæteriſque contrariis quibuſcunque. Nulli ergo omninò hominum liceat hanc Paginam noſtræ Approbationis, Confirmationis, Communitionis, Suppletionis Decreti & Mandati infringere, vel ei auſu temerario contrarire; ſi quis autem hoc attemptare præſumpſerit, Indignationem Omnipotentis Dei, ac beatorum Petri & Pauli Apoſtolorum ejus, ſe noverit incurſurum. Dat.' Rome, apud Sanctum Petrum, Anno Incarnationis Dominice milleſimo quadringenteſimo nonageſimo quinto, Kalendis Martii, Pontificatûs noſtri Anno tercio. 1495.

XXIII. *Mandatum ad revocand.' Sequeſtrum interpoſitum in bonis Clerici confirmati.*

The Archbiſhop ſets forth, that the Probate, and Adminiſtration of the Eſtates of all Archbiſhops, Biſhops, and Clergy confirm'd, belong'd to his See,

Iſlip. f. 17. b.

SIMON &c. Dilectis in Chriſto Filiis, Dominis Subdecano & Capitulo Eccleſiæ Lincoln', Salutem, Gratiam, & Benedictionem. Cum Examinatio, Inſinuatio, & Approbatio Teſtamentorum, quorumcunque Archiepiſcoporum, Epiſcoporum, Clericorum etiam Confirmatorum, Eccleſiæ noſtræ Cantuarienſis Suffraganeorum defunctorum, ac Commiſſio Adminiſtrationis bonorum ſuorum, & Ratiocinii ſeu Calculi Adminiſtrationis ſuæ Auditio, Abſolutio, & Liberatio ab eadem, ac ſi inteſtati fuerint, ipſorum bonorum Diſpoſitio, ac in præmiſſis & eorum Occaſione quæcunque Juriſdictio ſeu Cohertio, tam de Jure communi, quam Conſuetudine laudabili & præſcripta, in dicta Provincia hactenus obſervatâ, ad nos noſtraque Cantuar.' Eccleſiæ nomine notorie pertinere noſcantur, adeo quod nullus inferior Ordinarius, abſque noſtra Authoritate, Permiſſione ſeu Licentia Speciali, intromittere poterit ſeu debeat de Præmiſſis; ſet vos, Præmiſſorum non ignari, falcem veſtram in Meſſem dimittentes alienam, bona quamplura Johannis de Offord, quondam ipſius Eccleſiæ noſtræ electi, confirmati, defuncti, infra Juriſdictionem veſtram prætenſam exiſtentia, de facto, cum de Jure non poſſetis, temerè (ut dicitur) ſequeſtrâſtis, in noſtri, & Juriſdictionis noſtræ Præjudicium & Contemptum: Unde vobis injungimus & mandamus, quatinus quod per vos in hac Parte indebitè attemptatum fuerit, cautiùs quo poteritis revocetis: Noſque quid in Præmiſſis facere duxeritis, citra inſtans Feſtum Sanctæ Margaretæ Virginis certificetis, Literis veſtris Patentibus, habentibus hunc Tenorem. Dat.' apud Magfeld, viij° Kalend.' Junii, Anno Domini 1350, noſtræ Conſecrationis primo. 1350.

—and therefore directs the Subdean and Chapter of Lincoln to revoke a Sequeſtration of the Goods of one who had died after Confirmation.

SECT. VI.

SECT. VI.

POSSESSIONS *and* ENDOWMENTS *of* Churches.

I. *Monaſteries of the Annual Value of* 200 l. *or upwards, diſſolved by Stat.* 31 *H.* VIII. *and by that Means capable of being diſcharged of Tythes.* Vid. Pag. 672, 673.

BERKS.

	l.	s.	d.
Reading Benedictines, founded in the Time of *H.* 1. ——	1938	14	03
Buſleſham Abbey, Canons of St. *Auſtin* founded in 13 *Edw.* 3. ——	0285	00	00
Abbington Abbey Benedictines, founded in the Year 720. ——	1876	10	09

BEDFORD.

Newnham Priory, Canons St. *Auſtin*, founded in the Time of *H.* 1.	0293	15	11
Elmeſton Abbey Benedictines, founded in the Time of *William* the Conq.	0284	12	11
Wardon Abbey Ciſtertians, founded in the *4th* of *Stephen*, in the Year 1139.	0389	16	06
Chickſand Priory, White Canons *Gilbertines*, founded in the Time of *W. Ruf.* — ——	0212	03	05
Dunſtable Abbey Canons of St. *Auſtin*, founded in the Time of *H.* 1.	0344	13	03
Wooburn Abbey Ciſtertians, founded in the Time of K. *John*. ——	0391	18	02

BUCKS.

Aſhrugg College Canons of St. *Auſtin*, founded in the Time of *Edw.* 1.	0416	16	04
Noteley Abbey Canons of St. *Auſtin*, founded in the Time of *H.* 1. in 1112. — — —	0437	06	08
Miſſenden Abbey Benedictines, founded in the Year 1293. —	0261	14	06

CANTABR.

Thorney Abbey Benedictines, founded in the Year 972. — ——	0411	12	11
Barewell Priory Canons of St. *Auſtin*, founded in the Time of *H.* 1. in the Year 1092. ——	0256	11	10

CESTR.

St. *Werburge Abbey Benedictines*, founded in the Year 1095.	1003	05	11
Combermeer Abbey Ciſtertians, founded in the Year 1134. ——	0225	09	07

CORNUB.

	l.	s.	d.
Bodmin Priory Canons of St. *Auſtin*, founded in the Year 936.	0270	00	11
Launceſton Abbey Canons of St. *Auſtin*, founded in the Time of *William* the Conqueror. —— ——	0354	00	11
St. *Germans Abbey* Canons of St. *Auſtin*, founded in the Time of King *Ethelſtane*. — —	0243	08	00

CUMBR.

Carliſle Priory Canons of St. *Auſtin*, founded in the Time of *William Rufus*. —— ——	0418	03	04
Holmcoltrom Abbey Ciſtertians, founded in the Year 1135. ——	0427	19	03

DERB.

Darley Abbey Canons of St. *Auſtin*, founded in the Time of *H.* 2.	0258	14	05

DEVON.

Ford Abbey Ciſtertians, founded in the Year 1133. — —	0374	10	06
Newnham Abbey Ciſtertians, founded about the Year 1246. —	0227	07	08
Dinkeſwell Abbey Ciſtertians, founded in the Year 1201. ——	0294	18	06
Hertland Abbey Canons of St. *Auſtin*, founded in the Time of *H.* 2.	0306	03	02
Torre Abbey Præmonſtratenſes, founded in the Time of *R.* 1.	0396	00	11
Buckfaſt Abbey Ciſtertians, founded in the Time of *H.* 2.	0466	11	02
Plimpton Abbey Ciſtertians, founded in the Time of *E.* 1. —	0241	17	09
Taveſtock Abbey Benedictines, founded in the Year 961. — —	0902	05	07
Exon. Priory Clun. founded in the Time of *H.* 1. ——	0502	12	09

DORSET.

Abbotsbury Benedictines, founded about the Year 1016. — —	0390	19	02

	l.	s.	d.
Middleton Abbey Benedictines, founded by K. *Ethelſtan.* —	0538	13	11
Tarrent Abbey Ciſtertians, founded by *H.* 3. — —	0214	07	09
Shafton Abbey Benedictines, founded in the Year 941. —	1166	08	09
Cerne Abbey Benedictines, founded in the Time of King *Edgar.* —	0515	17	10
Sherburn Abbey Benedictines, founded about the Year 370. —	0682	14	07

DUNELM.

	l.	s.	d.
St. *Cuthbert Abbey Benedictines*, founded about the Year 842.	1366	10	09
Tinmouth Priory Benedictines, founded — — —	0397	11	05

ESSEX.

	l.	s.	d.
Berking Abbey Benedictines, founded in the Year 680. —	0862	12	05
Stratford Langthorn Abbey Ciſtertians, founded in 1135. —	0511	16	03
Waltham Abbey Canons of St. *Auſtin*, about 1060. —	0900	04	03
Walden Abbey Benedictines, founded in the Year 1136. —	0372	18	01
St. *Oſwith Abbey* Canons of St. *Auſtin*, founded in 1120. —	0677	01	02
Colcheſter Abbey Canons of St. *Auſtin*, in the Time of *H.* 1. —	0523	17	00

GLOUCESTER.

	l.	s.	d.
Briſtol Abbey Canons of St. *Auſtin*, founded about the Time of *H.* 1.	0670	13	11
Hayles Abbey Ciſtertians, founded in the Year 1246. —	0357	07	08
Winchcomb Abbey Benedictines, founded in the Year 787. —	0759	11	09
Tewksbury Abbey Benedict. founded in the Year 715.	1598	01	05
Cirenceſter Abbey Canons of St. *Auſtin*, founded in the Time of *H.* 1.	1051	07	01
Kingſwood Abbey Ciſtertians, founded in the Year 1139. —	0244	11	02
Glouceſter Abbey Benedict. founded in the Year 680. —	1946	05	09
Lanthony Priory juxta Glouceſter Canons of St. *Auſtin*, founded in the Year 1136. —	0648	19	11

HANTS.

	l.	s.	d.
St. *Swithins Winton Abbey Benedict.* founded in the Year 634. —	1507	17	02
Hyde Abbey Benedictines, founded by King *Alfred.* —	0865	18	00
Wherwell Abbey Benedictines, founded in the Time of K. *Edgar.*	0339	08	07
Romſey Moniales Benedictines, founded in the Year 907. —	0393	10	10
Twinham Priory Canons of St. *Auſtin*, founded *ante* 1042. —	0312	07	00
Belloloco Abbey Ciſtertians, founded in the Year 1024. —	0326	13	02
Southwick Priory Canons of St. *Auſtin*, founded in the Time of *H.* 1. — —	0257	04	04
Tichfield Abbey Præmonſtratenſes, founded in the Time of *H.* 3.	0249	16	01

HERTFORD.

	l.	s.	d.
St. *Albans Abbey Benedictines*, founded in the Year 755. —	2102	07	01

HUNTS.

	l.	s.	d.
St. *Neots Abbey Benedictines*, founded about the Time of *H.* 1. —	0241	11	04
Ramſey Abbey Benedictines, founded in the Year 969. —	1716	12	04

KANC.

	l.	s.	d.
St. *Auſtin's prop. Cant. Abbey Benedictines*, founded in 605. —	1413	04	11
Ledis Priory Canons of St. *Auſtin*, founded in the Year 1119. —	0362	07	07
Feverſham Abbey Clun. founded in the Year 1147. by K. *Stephen.*	0286	12	06
Boxley Abbey Ciſtertians, founded in the Year 1144. —	0204	04	11
Roſſen Abbey Benedictines, founded in the Year 600. —	0486	11	05
Malling Abbey Benedictines, founded by K. *Edmund.* —	0218	04	02
Dertford Abbey Canons of St. *Auſtin*, founded 46 *Edw.* 3. *per ipſ. R.*	0380	00	00

LANC.

	l.	s.	d.
Walley Abbey Ciſtertians, founded in the Year 1172. —	0321	09	01

LEIC.

	l.	s.	d.
Leiceſter Abbey Canons of St. *Auſtin*, founded in 1143. —	0951	14	05
Croxden Abbey, *Præmonſtrat.* founded about the Time of *R.* 1.	0385	00	10
Launda Abbey Canons of St. *Auſtin*, founded in the Time of *W. Ruf.*	0399	03	03

LINCOLN.

	l.	s.	d.
Lincoln St. *Cathar. Priory Gilbert*, founded in the Time of *H.* 2.	0202	05	00
Kirkſteed Abbey Ciſtertians, founded in the Year 1139.	0286	02	07
Reveſly Abbey Ciſtertians, founded in the Year 1142. —	0287	02	04
Thornton Abbey Canons of St. *Auſtin*, founded in the Year 1139.	0594	17	10
Barney Abbey Benedictines, founded in the Year 712. —	0366	06	01
Croyland Abbey Benedict. founded in the Time of K. *Ethelred*, *An.* 716.	1803	15	10

Spalding

	l.	*s.*	*d.*
Spalding Abbey Benedictines, founded in the Year 1052 —	0761	08	11
Sempringham Abbey Gilbert, founded in the Year 1148. K. *Stephen.*	0317	04	01
Epworth Moniales Carthuſians, 10*R.* 2. *Fundat.* —	0237	15	02

LOND. *and* MIDD.

	l.	*s.*	*d.*
St. *John Jeruſal. Priory*, founded in the Time of *H.* 1. *Anno* 1100.	2385	12	08
St. *Barthol. Smithfield* Canons of St. *Auſtin*, founded in the Year 1102. — — —	0653	15	00
St. *Mary Biſhopſgate Priory*, founded in the Year 1187, 9 *R.* 1. —	0478	06	06
Clerkenwell Priory Benedict. founded in the Time of K. *Stephen.*	0262	19	00
London Minors Benedictines, founded in the Time of *Edw.* 1. —	0318	08	05
Weſtminſter Abbey Benedict. founded in the Time of King *Edgar.*	3471	00	02
Sion Abbey Canons of St. *Auſtin*, founded by *H.* 5. —	1731	08	04
London, a Houſe of *Carthuſians*, founded in the Time of *Edw.* 3.	0642	00	04
St. *Clare* without *Aldgate Monial.* founded in the Year 1292. —	0418	08	05
St. *Mary Charter-houſe Carthuſians*, founded in the Year 1379. —	0736	02	07
St. *John Holiwell Monial. Nigr.* founded in the Year 1318.	0347	01	03
St. *Mary Eaſt-Smithfield Abbey Ciſtertians*, founded 34 *Edw.* 3.	0602	11	10

NORTHFOL.

	l.	*s.*	*d.*
Thetford Abbey Clun. founded in the Year 1103. — — —	0312	14	04
Wymundham Abbey Benedict. founded in the Year 1139. —	0211	16	06
Hulmo Abbey Benedictines, founded by King *Canutus.* —	0583	17	00
Weſtderham Abbey Præmonſtratenſes, founded in the Time of *H.* 2.	0228	00	00
Walſingham Abbey Canons of St. *Auſtin*, founded about the Time of K. *Stephen.* —	0391	11	06
Caſtle Acre Abbey Clun. founded in the Year 1090. —	0306	11	04
Weſt Acre Abbey Clun. founded in the Time of *Will. Ruf.* —	0260	13	07

NORTHON.

	l.	*s.*	*d.*
Burgi St. *Petri Abbey Benedictines*, founded *per Roſere R. Mer.* —	1721	14	00
Pipewell Abbey Ciſtertians, founded in the Year 1143. —	0286	11	08
St. *Andrews Priory Clun.* founded in the Year 1067. —	0263	07	01
Sulby Abbey Præmonſtratenſes, founded in the Time of K. *Stephen.*	0258	08	05

NOTTS.

	l.	*s.*	*d.*
Lenton Priory Clun. founded in the Time of *H.* 1. — —	0329	05	10
Thurgarton Priory Canons of St. *Auſtin*, founded in the Time of *H.* 1.	0259	09	04
Welbeck Abbey Canons of St. *Auſtin*, founded in the Time of K. *Stephen.*	0249	06	03
Warſop Priory Canons of St. *Auſtin*, *Fundat.* — —	0239	10	05
Bella Valla Priory Carth. F. Circa 16 *Ed.* 3. —	0227	08	00
Newſteed Priory Canons of St. *Auſtin*, founded in the Time of *Ed.* 3.	0219	18	08

Theſe two laſt are under Value in Mr. *Dugdale*, but thus *per Speed.*

NORTHUMBR.

	l.	*s.*	*d.*
Tinmouth, a Cell to St. *Albans*, a Nunnery. — —	0511	04	01

OXON.

	l.	*s.*	*d.*
Godſtow Abbey Benedictines, founded in the Time of K. *Stephen.*	0274	05	10
Eyneſham Abbey Benedictines, founded by K. *Etheldred.* —	0441	2021	
Oſney Abbey Canons of St. *Auſtin*, founded in the Time of *Hen.* 1.	0654	10	02
Thama Abbey Ciſtertians, founded in the Time of *H.* 1. —	0256	13	11
Oxford Priory, *per Speed*, *fund. ante Conqu.* — —	0224	04	08
Dorcheſter per eundem Abbey Canons of St. *Auſtin*, founded 635.	0219	12	00

SALOP.

	l.	*s.*	*d.*
Haghmond Abbey Canons of St. *Auſtin*, founded in the Year 1100.	0259	13	07
Lilleſhull Abbey Canons of St. *Auſtin*, *F. per A. d'Elfleda, R. Merciæ.*	0229	03	01
Wigmore Abbey Canons of St. *Auſtin*, founded in the Year 1172, *per Speed.* — — —	0267	02	10
Wenlock Priory, *Clun.* founded in the Year 1181, *vel antea.* —	0401	00	07
Salop Abbey Canons of St. *Auſtin*, founded in the Year 1081, *per Speed.* — —	0615	04	03
Hales Owen Abbey Præmonſtratenſes, founded in the Time of K. *John.*	0337	15	06

SOMERSET.

	l.	*s.*	*d.*
Glaſſenbury Abbey Benedict. founded about the Year 300. —	3311	07	04
Brewton Abbey Canons of St. *Auſtin*, founded about the Time of the Conqueror. — —	0439	06	08
Henton Priory Carthuſians, founded in the Time of *H.* 3. —	0248	19	02
Witham Priory Carthuſians, founded by *H.* 2. — —	0215	15	00

	l.	s.	d.
Taunton Priory Canons of St. *Auſtin*, founded in the Time of *H.* 1.	0286	08	10
Bathon Abbey Benedict. founded in the Time of *H.* 3.	0617	02	03
Keyneſham Abbey Canons of St. *Auſtin*, founded in the Time of *H.* 1.	0419	14	03
Michelney Abbey Benedictines, founded in the Year 740.	0447	04	11
Buckland Priory Ciſtertians, founded in the Time of *E.* 1.	0223	07	04

STAFF.

Dela Cres Abbey Ciſtertians, founded in the Year 1153.	0227	05	00
Burton ſup. Trent Abbey Benedictines, founded in the Time of *Eadred.*	0267	14	03
Croxden Abbey Ciſtertians, *Coats*, *Fundat.*			

SUFFOLK.

St. *Edmundsbury Abbey Benedictines*, founded in the Year 1020.	1659	13	11
Butley Abbey Canons of St. *Auſtin*, founded in the Year 1171.	0318	17	02
Sibeton Abbey Ciſtertians, founded in the Year 1150.	0250	15	07
Ixworth Priory Canons of St. *Auſtin*, founded in the Time of the Conqueſt.	0280	09	05

SURREY.

Merton Priory Canons of St. *Auſtin*, founded in the Year 1414, in the Time of *H.* 1.	0957	19	05
Shene Priory Carthuſians, founded in the Year 1414.	0777	12	00
Chertſey Abbey Benedictines, founded in the Year 666.	0659	15	08
Newark Priory	0258	11	11
St. *Mary Overs Abbey* Canons of St. *Auſtin*, founded 7 *H.* 1.	0625	06	06
Bermundſey Abbey Canons of St. *Auſtin*, founded 7 *H.* 1.	0474	14	04

SUSSEX.

Lewis Abbey of *Clun.* founded in the Time of *W. Rufus.*	0920	04	06
Roberts-bridge Abbey Ciſtert. founded in the Time of *H.* 2.	0248	10	06
Battaile Abbey Black Monks, founded 1066.	0987	00	11

WARW.

Combe Abbey Ciſtertians, founded in the Time of King *Stephen.*	0311	15	01
Kenelworth Abbey Canons of St. *Auſtin*, founded in the Time of *H.* 1.	0538	19	00
Meryvall Abbey Ciſtertians, founded in the Year 1148.	0254	01	08
Nuneaton Monial. Benedict. founded in the Time of *H.* 2.	0253	14	05

WILTS.

	l.	s.	d.
Malmsbury Abbey Benedict. founded about the Year 670.	0803	17	07
Bradenſtock Priory Canons of St. *Auſtin*, founded in the Time of the Conqueror.	0212	19	03
Edington Priory Canons of St. *Auſtin*, founded in 1352.	0442	19	07
Ambresbury Abbey Benedict. founded in 1177.	0494	15	02
Wilton Abbey Benedictines, founded in the Time of King *Ethelwolph.*	0601	01	01
Fairely, a Cell to *Lewis*, *per Speed*, founded in the Year 1125, *Clun.*	0217	00	04
Laycock Abbey Canons of St. *Auſtin*, founded in the Year 1232, *per Speed.*	0203	12	03

WIGORN.

Malverne Abbey Benedictines, founded in the Year 1083.	0308	01	03
Eveſham Abbey Benedictines, in the Time of *Offa.*	1183	12	09
Perſhore Abbey Ciſtertians, founded in the Year —	0643	04	05
Hales Owen Abbey Præmonſtratenſes, founded in the Time of K. *John.*	0282	13	04
Bordeſly Abbey Ciſtertians, founded in the Year 1138.	0388	01	01

EBORUM.

St. *Mary Eborum Abbey Benedictines*, founded in the Second Year of *Will. Rufus.*	1550	07	00
Selby Abbey Benedictines, founded in in the Time of the Conqueror.	0720	12	10
Kirkſtal Abbey Ciſtertians, founded in the Year 1147.	0329	02	11
De Rupe Abbey Ciſtertians, founded in the Year 1147.	0224	02	05
Monks Burton Abbey Clun. founded about the Year 1186.	0239	03	06
Noſtel Abbey Canons of St. *Auſtin*, founded in the Time of *H.* 1.	0492	18	02
Pomfrait Abbey Clun. founded in the Time of the Conqueror.	0237	14	08
Giſbourne Abbey Canons of St. *Auſtin*, founded in the Time of K. *Stephen.*	0628	03	04
Whitby Abbey Benedictines, founded in the Time of the Conqueror.	0437	02	09
Montegratiæ Abbey Carthuſ. founded about the Year 1396.	0323	02	10
Newburge Priory Canons of St. *Auſtin*, founded in the Year 1145.	0367	08	03
Belland Abbey Ciſtertians, founded in the Year 1134.	0238	09	04
Kirkham Abbey Canons of St. *Auſtin*, founded in the Time of *H.* 1.	0269	05	09
Melſa Abbey Ciſtertians, founded in the Year 1136.	0299	06	04
Brilington Canons of St. *Auſtin*, founded in the Time of *H.* 1.	0547	06	11

	l.	*s.*	*d.*
Walton Abbey Gilbertines, founded in the Time of K. *Stephen.* —	0360	16	10
Bolton in *Craven Priory* Canons of St. *Auſtin*, founded in *H.* 1.	0212	03	04
Rival Abbey Ciſtertians, founded in the Year 1132. — —	0278	10	02
Jerval Abbey Ciſtertians, founded in the Time of K. *Stephen.* —	0234	18	05
Furnes Abbey Ciſtertians, founded in the Year 1127. — —	0805	16	05
De Fontibus Ciſtertians, founded in the Year 1132. ——	0998	06	08
Warter Priory, Canons of St. *Auſtin*, founded in *H.* 1. ——	0221	03	10
Richal, per Speed. — ——	0351	14	06
Old Maulton Abbey, founded in the Time of K. *Stephen*, *per Speed.*	0257	07	00
St. *Michael* near *Hull Carthuſians*, founded in the Year 1377. —	0231	17	03

WALLIA.

Valle De Sancta Cruce Com. Denbigh Ciſtertians, founded in the Time of *Ed.* 1. —— ——	0214	03	05
Strata Florida Cardiganſhire Ciſtertians, or *Clun.* founded in the Time of the Conqueror. —	1126	06	00

Pag. 672.

II. *Appropriatio Eccleſiæ, cum Ordinatione Vicariæ.*

† Baudak; Regiſtr. f. 20, b.

The needy Condition of a Religious Houſe, requiring Aſſiſtance,

— A Rectory is Appropriated to it by the Biſhop,

— who reſerves an Endowment for a *Perpetual* Vicar,

— and all Epiſcopal Rights.

† RADULPHUS &c. Religioſis Viris Abbati & Conventui Monaſterii de Stratford, Salutem in vero Salutari. Pium & Deo gratum æſtimamus, nedum Sacram Religionem plantare, verùm & plantatam modis omnibus confovere. Attendentes igitur, Vos veſtrúmque Monaſterium manifeſtis & crebris aquarum inundationibus, per quas Terrarum, pratorum, & paſcuorum veſtrorum fructus, ac animalia veſtra frequenter perierunt; ac etiam onere ad vos domúmque veſtram ſub Hoſpitalitatis colore confluentium, necnon & contributionibus, ac aliis variis plus ſolito gravaminibus, tantâ deprimi indigentiâ, quòd ſine magno ſuffragio nequeunt illata diſpendia reparari, nec vobis de Monaſterii veſtri proventibus pro Religionis conſervatione vitæ neceſſaria, prout convenit, miniſtrari: Nos, veſtris neceſſitatibus curâ quâ poſſimus in hac parte ſubvenire volentes, Eccleſiam parochialem de *Eſthame*, noſtræ Diœc.' veſtro vicinam Monaſterio, (cujus veri eſtis Patroni, ad quam diverſos Rectores Nobis in ultimis ipſius Vacationibus præſentâſtis) in dictorum onerum & gravaminum relevationem, ad veſtræ religionis ſuſtentationem, & operum meritoriorum augmentationem, cum omnibus ſuis pertinentiis, præhabito tractatu . . . . . qui in hac parte requiritur, de conſilio & aſſenſu Capituli noſtræ Eccleſiæ, vobis Donamus, Concedimus, & auctoritate Pontificali tenore præſentium caritatis intuitu Appropriamus, in uſus proprios imperpetuum poſſidendam: Salvâ inde congruâ portione ad ſuſtentationem perpetui Vicarii in eadem Eccleſia miniſtraturi, quam ſic ordinare duximus & taxare: In primis videlicet Ordinamus, quòd Vicarius qui pro tempore erit, ibidem Manſum habeat quem cæteri Vicarii ultimis retroactis temporibus habere conſueverunt: Et quòd idem Vicarius habeat & percipiat Decimas Ortorum, & Curtilagiorum, & omnimodas Decimas, præter Decimas garbarum fœni, & molendini ad ventum. Item, quòd habeat omnimodas Oblationes, Obventiones, & Legata quæcunque, ipſi Eccleſiæ, vel ejus intuitu, relicta, ac cætera quæ cum corporibus mortuorum delata de jure vel conſuetudine debeantur Eccleſiæ, ac omnia alia quæ ad Alteragium noſcuntur pertinere. Et præter hoc, Ordinamus quòd idem Vicarius ſingulis annis habeat & percipiat à vobis Abbate & Conventu, in Feſtis Sancti Michaelis & Paſchæ per æquales Portiones, quinque marcas legal.' Sterling.' de prædictis Decimis Garbarum, ſibi per vos debitè exſolvendas in augmentum portionis ſupradictæ: Quam verò Vicariam ad noſtram ſucceſſorumque noſtrorum Epiſcoporum London.' & Capituli noſtri, ſede vacante London.' Collationem, quotiens vacaverit, reſervamus, & pertinendam fore decernimus & ordinamus. Salvis nobis & Succeſſoribus noſtris, in eâdem Eccleſiâ parochiali lege Juriſdictionis & Diœceſanâ, ac omnibus aliis Juribus tam nobis quam cæteris de jure debitis vel conſuetis; & ſalvâ in omnibus Dignitate Eccleſiæ noſtræ Cathedralis. Dictus vero Vicarius omnia onera ordinaria, præter Cancelli refectionem aut re-ædificationem, ſuſtinebit. Abbas autem, & ejus Succeſſores, qui pro tempore erunt, tanquam Rectores ſupradictæ Eccleſiæ parochialis de Eſthame, nomine ipſius Eccleſiæ nobis noſtríſque Succeſſoribus & aliis Ordinariis, ſicut cæteri Eccleſiarum Rectores, noſtræ Diœc.' Canonicam Reverentiam & Honorem. In cujus Rei teſtimonium, huic ſcripto tripartito Indentato, videlicet parti penes prædictos Abbatem & Conventum remanenti, Sigillum noſtrum; parti verò penes nos remanenti, Sigill.' quo utuntur dicti Abbas & Conventus; & parti penes Capitulum remanenti, Sigillum tam noſtrum quàm dictorum Religioſorum ſunt appenſa. Dat.' London.'
1309. Non.' Aprilis, Anno Domini Milleſimo CCC^{mo} nono.

III. *Proceſſus in Appropriatione Eccleſiæ Parochialis Domui Religioſæ.*

Recites — The Proceſs in this Cauſe,

Wald. f. 85. b.

IN Dei Nomine, *Amen.* Auditis pleniùs & intellectis ac diſcuſſis, per nos Ricardum, Dei Gratia Londonienſem Epiſcopum, meritis & circumſtantiis negotii unionis, annexionis, & incorporationis, Eccleſiæ paroch.' de Elmyſtede, noſtræ Dioc', Religioſis Viris, Dilectis in Chriſto Filiis, Abbati Monaſterii ſanctæ Oſithæ, Ordinis ſancti Auguſtini, dictæ noſtræ Dioc', & ejuſdem Loci Conventui & Monaſterio eorundem, dictæ Eccleſiæ paroch.' de Elmyſtede prædict.' patronis, & in poſſeſſione juris, vel quaſi, patronatûs Eccleſiæ prælibatæ exiſtentibus, quod coram nobis aliquamdiu vertebatur, & adhuc pendet indiſcuſſum: Quia per acta & inactitata, deducta, & legitimè probata in hujuſmodi negotio invenimus, præfatos religioſos Viros, Abbatem & Conventum antedictos, ſuam Intentionem in Articulis concluſoriis in hujuſmodi negotio, per partem dictorum Religioſorum Virorum propoſitis deductam, quorum Articulorum tenores ſequuntur, & ſunt tales ——. *

— and particularly the Allegations of the Religious.

Act of Appropriation.

Idcirco nos, Richardus Epiſcopus antedictus, inveſtigato penitus per nos toto proceſſu, in hujuſmodi Negotio unionis, Annexionis, & Corporationis prædict.' habito, diligentiùs & rimato, ipſum ſolum Deum præ oculis habentes, dilectos Filios Decanum & Capitulum Eccleſiæ noſtræ London', ac Dominum Ricardum Kyngeſton Archidiaconum Colceſtr', infra cujus Archidiaconatum dicta Eccleſia de Elmyſtede ſituat', in Eccleſia noſtra London.' prædict', nominatim & in ſpecie, & alios quoſcunque ſua intereſſe putantes in genere, legitime & peremptorie, ad omnes & ſingulos actus judiciales gradatim & ſucceſſive, uſque ad finalem pronunciationem, expeditionem hujuſmodi negotii unionis, annexionis, & incorporationis, in hac parte incluſive citatos, publicè judicialiter coram nobis præconizatos, diutius & ſufficienter expectatos, & nullo modo coram nobis comparentes, ad inſtantem petitionem partis dictorum Religioſorum Virorum Abbatis & Conventûs, inſtanter & cum effectu accuſant', pronunciamus & pronunciavimus contumaces, &c, in pœnam Contumaciarum ſuarum, petitionem partis dictorum Religioſorum Virorum Abbatis & Conventûs præfat.' rite ſequentes, omneſque & ſingulas cauſas in præfatis articulis content.' ad faciend.' hujuſmodi annexionem, & incorporationem dictæ Eccleſiæ de Elmyſtede, in uſus ſuos proprios, veras, juſtas, & legitimas, legitimeque probatas fuiſſe & eſſe, pronunciamus, decernimus, ſententiamus, & declaramus: dictamque Eccleſiam paroch.' de Elmyſtede prædict.' jam vacantem, cum ipſius Fructibus, Redditibus, & Proventibus, ac Juribus & pertinent.' univerſis, proceſſu legitimo juris, & judiciorum ordine rite & legitime in omnibus præhabitis atque obſervatis, præfatis Religioſis Viris, Abbati & Conventui Monaſterii ſanctæ Oſithæ prædict', eorumve Succeſſoribus quibuſcunque, ac Monaſterio prædicto, auctoritate noſtrâ ordinariâ unimus, annectimus, & incorporamus imperpetuum, per hanc noſtram ſententiam diffinitivam, quam ferimus & promulgamus in hiis ſcriptis: Ita quod liceat præfatis Religioſis, corporalem poſſeſſionem dictæ Eccleſiæ de Elmyſtede per ſe, vel per eorum procuratorem, auctoritate propriâ licite apprehendere, & nactam cum ſuis Juribus & pert.' univerſis, reſervatis tamen infraſcript', retinere & libere continuare, alicujus licentiâ ſuper hoc minimè petitâ ſeu obtenta; Reſervatâ nobis poteſtate ſufficienti & legitimâ, congruam portionem, pro ſuſtentatione perpetui Vicarii, ad Vicariam ipſius Eccleſiæ, ad præſentationem dictorum Religioſorum Virorum, per nos admittend', & inſtituend.' canonice in eadem, de Fructibus & Proventibus Eccleſiæ memoratæ limitand.' canonicè & aſſignand.' unde jura Epiſcopalia perſolvere, Hoſpitalitatem tenere, & alia ſibi incumbentia onera debitè valeat ſupportare; Juribus etiam Epiſcopalibus, & Conſuetudinibus, ac Eccleſiæ noſtræ London.' prædictæ Dignitate in præmiſſis in omnibus ſemper ſalvis. Ordinamus inſuper & ſtatuimus, de dictorum Abbatis & Conventûs beneplacito & conſenſu, in Recompenſationem Emolumentorum quæ nos, & Succeſſores noſtri, temporibus vacationis dictæ Eccleſiæ percipere debuiſſemus & habere, ſi dictæ annexio, unio, & incorporatio factæ non eſſent, penſionem nobis & ſucceſſoribus noſtris, ſeu cenſum annuum treſdecim ſolidorum & quatuor denariorum, infra octabas Paſchæ, in Eccleſia noſtra London', ſingulis Annis ſolvere fideliter teneantur: quod quidem onus, occaſione præmiſſâ, dictis Religioſis Viris noſtra pontificali auctoritate imponimus perpetuo ſubeund.'

Reſervation of Power to the Biſhop to appoint a due Portion for a Vicar,

— and of a Penſion to the Biſhop, in lieu of the Profits of Vacations.

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* [The Allegations are — Loſſes, occaſioned by Inundations, by the Belfry being blown down in a Storm, and by Servants dead of the Plague — Great Expences in Hoſpitality — The ruinous Condition of the Monaſtery — Expences in Law Suits — Loſs of Catel — And, that they are *Patrons* of the Church.]

Pag. 721, 722.

IV. *Commiſſio, pro Augmentatione Vicariæ.*

* Winchelſea, Regiſtr. f. 286, a. Jure Ordinario.

*ROBERTUS dilecto Filio Officiali noſtro, Elien.' ſede vacante, ſalutem: Conqueſtus eſt nobis Reginaldus, Vicarius Eccleſiæ de Foxton Elien.' Diœc.' quòd licet felicis Recordationis Frater Robertus de Killewardeby, Prædeceſſor noſter, Vicariam Eccleſiæ de Foxton dictæ Elien.' Diœc.' Priori & Capitulo Eccleſiæ Elien.' Appropriatæ, in Viſitatione quam dudum exercuit in eâdem Diœc.' per Archidiaconum ejuſdem Loci, vice & auctoritate ſuâ taxari mandâſſet ad minus uſque ad quantitatem Decem marcarum annuam in certis Proventibus ipſius Eccleſiæ, in quibus Vicaria commodiùs conſiſtere potuit; Ita quòd, ceſſante penſione xxxvj Marcarum, quâ prior & Conventus Elien.' tunc fuerant onerati, portio dictæ Vicariæ ad xv marc.' annuas imperpetuum ſe extenderet; mandâſſet inſuper quòd ipſe Archidiaconus, eâdem auctoritate, Vicario qui pro tempore miniſtraret in eadem, de manſo certo & ædificiis competentibus prope Eccleſiam, in quibus honeſtè poſſet habitare, ſimiliter provideret, Contradictores & Rebelles canonicè compeſcendo; ſicut in literis Commiſſionis & Declarationis ejuſdem prædeceſſoris noſtri ſuo Sigillo Patent.' Signatis, vidimus pleniùs contineri: Præfatus tamen Archidiaconus, quamquam incepiſſet procedere in hujus Taxationis negotio, ipſum tamen hactenus ad effectum perducere non curavit, ſed portio quam percipit Vicarius memoratus de Altari ipſius Eccleſiæ vix ad xlvj *s.* ſe extendit, quæ non ſufficeret pro Stipendiis Capellani: Unde petiit à nobis idem Vicarius, quòd de Eccleſiâ prædictâ, ſecundùm facultates ejuſdem, faceremus ſibi competentem aſſignari portionem, de quâ poſſet honeſtè vivere, & onera ſibi incumbentia ſuſtentare. Quocircà, vobis Committimus & Mandamus, quatenùs vocatis qui fuerint evocandi, de valore ipſius Eccleſiæ per eos qui veritatem noverint, diligentiùs inquirentes, portionem Vicariæ perpetuam ad quantitatem annuam, quam permiſerint Eccleſiæ facultates, in certis Proventibus ipſius utilioribus pro Vicario, qui ordinaria onera ſuſtinebit, vice & auctoritate noſtrâ ordinare curetis. Ita quòd pro Oneribus ſibi incumbentibus, & pro ſuſtentatione congruâ, ſufficere ſibi valeat portio aſſignata, Contradictores & Rebelles per Cenſuras Eccleſiaſticas canonicè compeſcendo. Et quid feceritis in præmiſſis, Nos citra feſtum Pentecoſtes certificetis per veſtras pat.' &c.
1302. Dat.' apud Croyndon.' ij Kalend.' Maii, Anno Domini milleſimo trecenteſimo ſecundo. Conſecrationis noſtræ, Octavo.

An Endowment decreed to the Value of 10 marks,

—and the Taxation referred by Commiſſion to the Archdeacon,

—who had neglected to finiſh it;

—and therefore a new Commiſſion is iſſued.

Pag. 722.

V. *Litera Compulſoria, Epiſcopo, pro Augmentatione Vicariæ.*

† Courteney Regiſtr. f. 49. a. 1ſt.

†WILLIELMUS, Permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Apoſtolicæ ſedis Legatus, Venerabili fratri noſtro, Domino Johanni, Dei gratiâ Lincoln.' Epiſcopo, Salutem, & fraternam in Domino Caritatem. Querelam Domini *Roberti Pateſhull*, Vicarii perpetui Eccleſiæ Parochialis de Peryngton veſtræ Diœc.' gravem recepimus, continentem, quòd dictus Dominus Robertus Vicarius, ad Vos congruis loco & tempore accedens, à vobis humiliter & ſæpiùs cum inſtantia legitime petiit, quatenùs cum Fructus, Reditus & Proventus præfatæ Eccleſiæ Parochialis, Religioſis viris Priori & Conventui Prioratûs de Hertford veſtræ Diœc.' unitæ & appropriatæ, quos iidem Religioſi percipiunt & habent, communibus annis ad Centum Marcas Sterlingorum, juxta communem æſtimationem extendere dinoſcantur, portióque dictæ Vicariæ adeò exilis notoriè exiſtat, quòd præfatus Dominus Robertus Vicarius ex hujuſmodi portione honeſtè vivere, & onera dictæ Vicariæ, & ſibi ejus nomine impoſita, & ut prætenditur incumbentia, debitè ſupportare non poteſt, neque poterit in futurum, nec poterunt dictæ Eccleſiæ Vicarii Succeſſores ſui qui erunt ibidem, niſi hujuſmodi portio dictæ Vicariæ legitime augmentetur; dictos Priorem & Conventum ſibi ſuper præmiſſis de juſtitiâ reſponſuros faceretis coram vobis ad Judicium evocari, ulteriúſque Juſticiæ complementum exhiberetis eidem: Vos tamen partem ipſam ſic petentem effectualiter exaudire, & juſticiam ſibi in præmiſſis debite impendere non curâſtis, ſed plus debito diſtuliſtis & differtis injuſtè, in ipſius Domini Roberti & Vicariæ ſuæ prædictæ præjudicium & gravamen: Unde idem Robertus Vicarius ad nos competenter accedens, & præmiſſa nobis ſeriatim exponens, ſibi ſuper hoc de Remedio per nos provideri petiit opportuno. Nolentes igitur eidem in ſuâ deeſſe juſtitiâ, ſicuti nec debemus, Vobis firmiter injungendo mandamus, quatenus ſi eſt ita, infra quindecim dierum ſpatium à tempore receptionis præſentium continuè numerand.' eidem parti querelanti ſuper præmiſſis faciatis debitum Juſtitiæ complementum; alioquin citetis, ſeu citari faciatis, peremptoriè dictos Priorem & Conventum, quòd compareant coram Nobis aut Commiſſario noſtro in hac parte, ubicunque infra Provinciam noſtram Cant.' nos eſſe continget, Viceſimo Die poſt lapſum dictorum quindecim dierum, ſi Juridicus fuerit; alioquin proximo Die Juridico tunc ſequente, in dictæ querelæ negotio, juxta ipſius qualitatem & Naturam proceſſuri

A Vicar having apply'd to the Biſhop for an Augmentation,

—and found no Relief there;

—applies to the Archbiſhop,

—who commands the Biſhop to proceed to Augmentation.

ceſſuri & procedi viſuri, ulteriúſque facturi & recepturi quod Juſtitia ſuadebit. De Diebus vero receptionis præſentium, ac Citationis veſtræ, ſi quam in hac parte feceritis, & de omni eo quod facere duxeritis in præmiſſis, Nos, vel noſtrum in hac parte Commiſſarium, dictis Die & Loco certificetis literis veſtris patentibus, habentibus hunc tenorem. Dat.' &c.

VI. *Augmentatio Vicariæ.*

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The Archbiſhop found in his Metropolitical Viſitation, that a Vicarage was too ſlenderly Endowed;

—whereupon he admoniſhed the Appropriators to Augment it;

—and, upon their neglect, proceeds himſelf to the Augmentation:

UNIVERSIS Sanctæ Matris Eccleſiæ Filiis, ad quos præſentes Literæ pervenerint, † Willielmus permiſſione Divinâ Archiepiſcopus Cantuarienſis, totius Angliæ Primas, & Apoſtolicæ ſedis Legatus, ſalutem in Domino ſempiternam. Cùm nuper in Viſitatione noſtrâ Metropoliticâ, quam in Diœc.' Exonien.' actualiter exercuimus, coram nobis fuiſſet compertum, quòd Vicaria Eccleſiæ Parochialis de Loveput dictæ Diœceſeos (quam Religioſi Viri Abbas & Conventus Monaſterii de Newenham, ejuſdem Diœc.' Ordinis Ciſtertien.' in uſus proprios tanquam eis appropriatam tenent; qui etiam ad dictam Vicariam, cùm vacaverit, Clericum ſecularem debent, ut dicitur, præſentare,) adeo exiliter dotata fuit & eſt, quòd perpetuus Vicarius ejuſdem Eccleſiæ de portione ſibi aſſignatâ non poteſt jura Epiſcopalia ſolvere, & congruam ſuſtentationem habere, ac alia dictæ Vicariæ incumbentia onera ſupportare: Unde Nos præfatis Religioſis Viris certum terminum competentem jam diu effluxum, ut infra eundem terminum portionem prædictam vel ſufficientem juxta juris exigentiam augmentarent, vel aliam portionem congruam de proventibus ipſius Eccleſiæ coram Nobis eidem Vicario aſſignarent, præfiximus, juſticiâ ſuadente: Verùm quia prædicti Religioſi Viri portionem prædictam dicto Vicario primitùs aſſignatam, ſufficientem aſſerentes, ipſam (ut præmittitur) augmentare, aut aliam portionem in eâ parte congruam, ei infra terminum prædictum vel in ipſo, aſſignare minimè curaverunt, ſed penitùs neglexerunt: Nos tam ipſis Religioſis Viris quàm dicto Vicario cupientes facere Juſticiæ complementum, de vero valore annuo omnium & ſingulorum Fructuum, Provenientium, & Emolumentorum, ad dictam Eccleſiam de Loveput qualitercunque ſpectantium, ac de prædictâ portione Vicariæ, oneribus eidem Vicariæ & Vicario prædicto incumbentibus, per viros fide dignos in forma juris juratos, dictis religioſis Viris & Vicario ad hoc præmunitis legitime & vocatis, inquiri fecimus veritatem: Et quia per ipſam Inquiſitionem invenimus, Vicariam dictæ Eccleſiæ ita exiliter eſſe dotatam, quòd Vicarius ejuſdem de portione prædictâ nequit jura Epiſcopalia ſolvere & congruè ſuſtentare, ac onera Vicariæ prædictæ incumbentia ſupportare, prædictos Religioſos Viros ad comparendum coram Nobis die & loco infraſcriptis, Aſſignationem ſeu Augmentationem Portionis prædictæ viſuri & audituri, ſi ſua viderint intereſſe, fecimus legitimè evocari. Quibus die & loco, Nos Willielmus Archiepiſcopus ſupradictus, pro tribunali ſedentes, eoſdem Religioſos Viros, citatos, præmunitos, ſæpius præconizatos, & nullo modo comparentes, pronunciavimus, prout erant meritò, contumaces, & in aſſignatione ſeu augmentatione portionis hujuſmodi negligentes, & in pœnam contumaciæ & negligentiæ ipſorum hujuſmodi, & propter urgentem neceſſitatem prædictæ Parochialis Eccleſiæ & Parochianorum ejuſdem, quibus ex dilatione ulteriori grave incommodum veriſimiliter imminet, & periculum animarum, ad Aſſignationem ſeu Augmentationem Portionis prædictæ procedimus in hunc modum:

† Courtney Regiſtr. f. 124, a. & alibi frequenter.

Reciting what had been done,

—and ſpecifying the Portion of the Vicar, for the time to come,

In Dei Nomine, *Amen.* Quia Nobis Willielmo Cantuarienſi Archiepiſcopo ſupradicto, per habita & exhibita coram Nobis in viſitatione noſtrâ prædictâ & citra, prædicto Aſſignationis ſeu Augmentationis negotio coram Nobis pendente, pleniùs conſtat, Portionem Vicarii prædicti, quam de proventibus dictæ Eccleſiæ percipit & habet, inſufficientem eſſe pro Oneribus ſibi impoſitis & incumbentibus ſupportandis, præfatóſq; Religioſos in Aſſignatione Portionis congruæ, ſeu Augmentatione Portionis prædictæ, infra certum & competentem terminum eis per nos, ut ſupradictum eſt, præfixum, negligentes fuiſſe; Ordinamus & Statuimus, quòd Vicarius dictæ parochialis Eccleſiæ, qui nunc eſt, & Succeſſores ſui in perpetuum, habeant & percipiant pro portione congruâ dictæ Vicariæ, pro manſo videlicet, Aulam quam Vicarius nunc habet cum Cameris adjacentibus: Item, duos Ortos eiſdem Domibus contiguos, & tres Acras Terræ arabilis juxta Ryngbourgh, & unum Clauſum paſturæ cum alnetis ibidem creſcentibus, quod Meyſebear vulgariter nuncupatur: Item, omnes Oblationes in dictâ Eccleſiâ, & infra parochiam ejuſdem, ubicumque & quandocumq; ac qualitercumque factas ſeu provenientes; necnon Decimas de proventibus molendinorum ac de Pomis, Fœno, Agnis, Lanis, Vitulis & hœdis, Aucis, Porcis, Columbis, Melle, Lacte, Caſeo, Butyro, Canabo, Lino, & Porris, Provenientibus, & generaliter omnes minores & minutas Decimas ad dictam Eccleſiam pertinentes, exceptis decimis de Fœno Dominici de Otery, videlicet de la Putte & de la Stone, provenientibus; necnon de Pratis ac Terris quondam Rectoriæ dictæ Eccleſiæ, quæ idem

Religioſi

Religioſi tenent, ac de Fructibus & Nutrimentis animalium de eiſdem terminis provenientibus, quæ ad dictos Religioſos anteà pertinebant: Habeant etiam & percipiant iidem Vicarius & Succeſſores ſui medietatem de Mortuariis quibuſcumque, tam vivis quàm aliis ad dictam Eccleſiam ſpectantibus, ſeu provenientibus qualitercumque. Dicti vero Religioſi habeant & percipiant omnimodas majores Decimas, Reditus & Proventus, ac Jura, & quæcumque alia Emolumenta dictæ Eccleſiæ pertinentia, Portioni Vicariæ per nos ſuperiùs non aſcripta. Et quia rationi congruit, ut participes ſint oneris qui commoda conſequuntur; Statuimus & Ordinamus, quòd Religioſi viri prædicti onus Reparationis Cancelli dictæ Eccleſiæ interiùs & exterius, ac inventionis librorum matutinalium, ſubire, & annuam penſionem xiij ſolid.' & 4 *d.* Eccleſiæ Collegiatæ beatæ Mariæ de Otery, prædictæ Diœceſeos, in qua penſione iidem Religioſi Viri fuerant per prius etiam onerati, ac Decimam, & aliud ſubſidium quodcumque Domino Regi aut aliis quibuſcumque, per Prælatos & Clerum conceſſas, juxta Taxationem dictæ Eccleſiæ, quotiens & quando hujuſmodi Conceſſionem fieri contigerit, ſolvere teneantur. Vicarios verò ejuſdem Eccleſiæ cætera onera omnia & ſingula ordinaria & extraordinaria ſuſtinere volumus & ſubire, præmiſſaque fieri & obſervari debere, pronunciamus & decernimus, per hanc noſtram Ordinationem, ſeu Sententiam in hiis ſcriptis per nos legitime promulgat.' Dat.' & Acta ſunt hæc in Capella Manerii noſtri de Maghfeld, xxv^{to} die Menſis Septembris, Anno Domini Milleſimo CCC^{mo} lxxxv^{to}, & noſtræ Tranſlationis quinto. 1385.

—and dividing the Burthens.

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VII. *Monitio Appropriatoribus, ſuper Ædificatione Manſi pro Vicario.*

Arund. Regiſtr. f. 123. b. Jure Ordinario.

ITEM, xiiij° die menſis Auguſti, Anno Domini Milleſimo CCCC^{mo} x^{mo} apud Oſeney, juxta Oxon.' emanavit Monitio generalis univerſis &c. per Provinciam, ad movendum ex parte dilecti Filii Vicarii de Chepyngnorton, Religioſos Viros Abbatem & Conventum Glouc.' Wigornienſis Diœceſeos (Eccleſiam Parochialem de Chepyngnorton prædict.' Provinciæ Cantuarienſis, cum ſuis Juribus & Pertinentiis univerſis, ſalvâ portione perpetuæ Vicariæ in eâdem, ipſis & eorum Monaſterio Canonicè appropriatam, unitam, annexam & incorporatam, in proprios uſus poſſidentes) quòd iidem Abbas & Conventus præfatæ Eccleſiæ Vicario moderno, cæteriſque ibidem pro tempore exiſtentibus, Manſum ſive Locum ad Inhabitand.' competentem, citra feſtum Pentecoſtes prox.' futur.' extunc ædificent aut ædificari faciant, debite cum effectu; alioquin quòd compareant coram nobis aut noſtro &c. xij° die poſt lapſum &c. ſi juridicus &c. cauſam rationabilem, ſi quam habeant, &c. quare ad hujuſmodi loci ſive Manſi conſtructionem, juxta tenorem cujuſdam Compoſitionis de præmiſſis pleniùs confectæ, minimè compelli debeant, in formâ juris propoſituri, ulteriúſque facturi, & recepturi, quod in hac parte, &c. 1410.

A General Monition iſſues to the Appropriators,

—to build a Houſe for the Vicar, according to the Compoſition, or to ſhew Cauſe.

VIII. *Decretum ſuper Extinctione & Suppreſſione Nominis Vicariæ, & Reintegratione & Conſolidatione ejuſdem ad Eccleſiam Parochialem.*

Bonner, f. 68. a.

UNIVERSIS Sanctæ Matris Eccleſiæ Filiis ad quos præſentes Literæ, ſive hoc præſens publicum inſtrumentum pervenerit ſeu pervenerint, & quos infraſcripta tangunt ſeu tangere poterint quomodolibet in futurum; Thomas Jan Decretor.' Doctor, Archidiaconus Eſſexiæ in Eccleſia Cathedrali Divi Pauli London', officialiſque London', nec non Reverendi in Chriſto Patris ac Domini, Domini Thomæ Permiſſione divinâ London.' Epiſcopi, in Cauſa ſive Negotio, ac inter partes infraſcript', Commiſſarius ſufficientèr & legitimè deputatus, Salutem in omnium Salvatore, & Fidem indubiam præſentibus adhiberi. Ad Univerſitatis veſtræ Notitiam deducimus & deduci volumus per præſentes, Quòd Nos, in quadam Cauſa ſive Negotio Diſſolutionis & Dimembrationis Unionis, Annexionis, Incorporationis, & Appropriationis, Eccleſiæ Parochialis de Birch Magnâ, London.' Dioceſ.' Religioſis Viris Priori & Conventui Domûs ſive Prioratûs Sancti Johannis Apoſtoli & Evangeliſt.' de Lega, Ordinis Sancti Auguſtini, ejuſdem Eccleſiæ Patronis olim fact.' quæ ſive quod primò coram dicto Reverendo Patre Domino London.' Epiſcopo, & deinde ex ipſius Reverendi Patris Commiſſione coram Nobis, aliquamdiu vertebatur, rite & legitime procedentes; parte dictorum Prioris & Conventûs per Magiſtrum Johannem Kerver, parteque Magiſtri Nicholai Palmer Vicarii de Birch moderni per Magiſtrum Johannem Below, eorum Procuratores, coram Nobis ſufficienter & legitime comparen', Diſſolutionemque & Dimembrationem hujuſmodi, ex cauſis in Articulis per eos coram Nobis propoſit'. deduct', inſtanter fieri, præfatamque Vicariam, & nomen Vicarii in eadem ſupprimi, extingui, ipſamque Eccleſiam ad ſtatum priſtinum & antiquum erigi & reduci, ac dictis Priori & Conventui pro perpetuo Penſionariam effici, noſtrumque Decretum finale deſuper interponi, inſtanter poſtulan', quoddam Decretum finale ſive Sententiam, in præſentia & de Conſenſu expreſſo Procuratorum prædict', ſe

Return to a Commiſſion of Enquiry, in order to the ſuppreſſion of a Vicarage, and the conſolidating it with the Rectory.

Nominibus Procuratoriis, quibus ſupra, humilitèr ſubmittentes, ſervatis primitùs per nos in hac parte de Jure ſervandis, in ſcriptis legimus, interpoſuimus, tulimus & promulgavimus, ſub eo qui ſequitur Verborum tenore.

The Proceſs.

In Dei nomine, *Amen.* Auditis pleniùs & intellectis, ac plenarie diſcuſſis, per Nos Thomam Jan Decretorum Doctorem, Archidiaconum Eſſexiæ in Eccleſia Cathedrali Sancti Pauli London', officialemque Conſ.' Epiſcopal.' London', nec non Reverendi in Chriſto Patris ac Domini, Domini Thomæ Permiſſione divinâ London.' Epiſcopi, in Cauſa ſive Negotio, ac inter partes infraſcript.' Comiſſarium ſpecialiter deputatum, meritis & circumſtantiis cujuſdem Cauſæ ſive Negotii Diſſolutionis & Dimembrationis Unionis, Annexionis, Incorporationis, & Appropriationis Eccleſiæ Parochialis de Birch Magna, London.' Dioceſ.' Religioſis Viris Priori & Conventui Domûs ſive Prioratûs Sancti Johannis Apoſtoli & Evangeliſt.' de Lega, Ordinis Sancti Auguſtini, ejuſdem Eccleſiæ Patronis, olim fact', quæ ſive quod, ex Cauſis in Articulo Summario, ſive Supplicationis Schedulâ inferius ſpecificat.' latius expreſſ.' coram eodem Reverendo Patre primò, ac deinde, ut præfertur, ex ipſius Reverendi Patris Commiſſione coram Nobis aliquamdiu vertebatur, & adhuc vertitur & pendet indeciſ.' ritè & legitimè procedentes, parte dictor.' Prioris & Conventûs, Rector.' proprietar.' & patronor.' dictæ Eccleſiæ de Birch, per Magiſtrum Johannem Kerver, Parteque Magiſtri Nicholai Palmer, Vicarii dictæ Eccleſiæ de Birch moderni, per Magiſtrum Johannem Bellow, ipſor.' Procuratores, coram Nobis ſufficienter & legitime comparen', nec non quendam Articulum ſummarium, ſive Supplicationis Schedulam, in Scriptis concept,' coram Nobis unanimitèr porrigen', hujuſmodique Diſſolutionem & Dimembrationem, ex cauſis in dicto Articulo ſive Schedula content', per Nos, Auctoritate dicti Reverendi Patris fieri, præfatamque Vicariam, & Nomen Vicarii in eadem ſupprimi & extingui, ipſamque Eccleſiam ad Statum priſtinum & antiquum erigi & reduci, ac dictis Priori & Conventui pro perpetuo Penſionariam fieri, noſtrumque finale Decretum ſive Sententiam deſuper interponi, —— inſtanter poſtulan', ſeque Nobis, & Decreto noſtro hujuſmodi ferend', expreſſè ſubmitten', & ad præmiſſa conſentien', ad noſtræ Sententiæ, ſive Decreti finalis prolationem, in Cauſa ſive Negotio prædict', ferend.' ſervatis primitùs per nos in hac parte de Jure ſervandis, ſic duximus procedendum, & procedimus in hunc Modum. Quia per Acta, inactitata, deducta, propoſita, allegata, petita, confeſſata & probata, in Cauſa ſive Negotio prædict.' comperimus luculenter & invenimus, Cauſas —— in hujuſmodi Articulo ſive Schedula, coram nobis (ut præfertur) judicialitèr porrectâ, cujus tenor talis eſt:

The Reaſons alledged for the Diſſolution and Conſolidation,

In Dei Nomine, *Amen.* Coram Vobis Venerabili Viro Magiſtro Thoma Jan, Decretorum Doctore, Officiali principal.' Conſ.' Epiſcopalis London', Reverendi in Chriſto Patris ac Domini, Domini Thomæ Dei Gratia London.' Epiſcopi commiſſario, aut alio Judice in hac parte competente quocunque, Nos Johannes Aleyn alias Kerver, Canonicus & Præbendarius in Eccleſia Cathedrali Sancti Pauli London', Religioſorum Virorum Prioris & Conventûs Domûs ſive Prioratûs Sancti Johannis Apoſtoli & Evangeliſt.' de Lega, Ordinis Sancti Auguſtini, London.' Diœceſ.' Rector.' ſive Proprietar.' Eccleſiæ parochialis de Birch Magna, ejuſdem Diœceſ.' & Johannes Bellow, probi Viri Magiſtri Nicholai Palmer Vicarii dictæ Eccleſiæ parochialis de Birch, Procuratores in Negotio ſubſcripto, ſufficienter & legitime conſtituti, nomine procuratorio pro eiſdem dicimus, allegamus, & in his Scriptis proponimus; Quòd præfata Eccleſia de Birch olim fuit, & eſt, in Eccleſiam parochialem erecta, & de Patronatu ipſorum Prioris & Conventûs, atque de & in decimis, Oblationibus, & aliis Juribus & Emolumentis Eccleſiaſticis, ad congruam Exhibitionem & Suſtentationem Rector.' in eadem divina celebratur', ac curam animarum, & cætera onera ſibi incumben.' ſupportatur', congrue & competenter dotata & ſtabilita; fuitque poſtmodum Eccleſia ipſa, Priori & Conventui dictæ Domûs ſive Prioratûs pro tunc exiſten', eorumque in eadem futuris Succeſſoribus, Authoritate, Conſenſu, & Voluntate omnium & ſingulorum in ea parte intereſſe habentium, unita, annexa, incorporata & appropriata, atque in eorum proprios uſus pro perpetuo poſſidend.' donata, pariter & conceſſa; ſalvâ tamen Portione congruâ & competente ad Vicarii perpetui in eadem Eccleſia inſtituend.' Suſtentationem, quæ in decimis minoribus, & certa Portione Garbarum decimabilium, infra fines & limites dictæ Eccleſiæ excreſcen.' & provenien.' conſiſtebat, & aſſignabatur; dicti quoque Prior & Conventus eandem Eccleſiam, ſic eis unitam, annexam, & appropriatam, per nonnulla tempora poſſiderunt, necnon Vicarii ejuſdem Eccleſiæ temporibus ſuis ſucceſſive exiſtentes, decimas minores, & certam quantitatem ſive Portionem Garbarum, hujuſmodi Vigore aſſignationis memorat vendicarunt, collegerunt, & de facto perciperunt, ſicque vendicavit, atque per ſe & ſuos collegit & percepit Vicarius ejuſdem Eccleſiæ modernus, quorum prætextu, præſertim collectionis & perceptionis Portionis Garbar.' decimabilium, hujuſmodi occaſione inter præfat.' Priorem & Conventum, & Vicarium dictæ Eccleſiæ, eorundemque Prioris & Conventûs, ac Vicarii Præceſſores & Prædeceſſores, per plura tempora graves lites, controverſiæ, & queſtionum materiæ pulularunt, ac hiis Diebus plus ſolito inoleverunt, adeoque perſepe famuliares & amici eorundem Prioris & Conventûs ac Vicarii modernor.' Prædictor', ad Arma convolantes, ſibi invicem mutuo vulnera infligere, &, quod nequius eſt, mortem inferre comminati ſunt, & ad hoc ſe parârunt & diſpoſuerunt, parantque indies & diſponunt; ſu-

per

—and the prayer of the Parties.

per quibus à diu fuit & eſt publica Vox & Fama: Unde nos Procuratores partium prædictarum, controverſiis, Litibus, & Periculis ipſis finem imponere, ac pacem & quietem perpetuam adaugeri & ſtabiliri inter eoſdem eorundemque Succeſſores intimiùs affectantium, de ipſorum Voluntate Conſenſu & Mandato expreſſis, nobis ad infraſcripta ſpecialitèr fact', à vobis, Domino Commiſſario prædict', humilitèr petimus & inſtantèr, quatenus factâ fide quæ requiritur in hac parte, ad quam faciend.' nos & utrumque noſtrum, nominibus quibus ſupra, promptos paratos offerimus, unionem, annexionem, conſolidationem, incorporationem, & appropriationem præfatæ Eccleſiæ parochialis, eiſdem Religioſis Viris, Priori & Conventui, ac eorum Domui ſive Prioratui fact', ex Cauſis prædictis diſſolvere, dimembrare, præfatamque Vicariam, & nomen Vicarii in eadem, pro perpetuo ſupprimere & extinguere, factiſque hujuſmodi diſſolutione, dimembratione, ſuppreſſione, & extinctione, eandem Eccleſiam, uſque ad & in Statum priſtinum quo ante appropriationem prædictam fuerat, reducere, erigere, & reintegrare, Patronatumque & Jus præſentandi Perſonam idoneam ad eandem Eccleſiam, quotieſcunque & quandocunque vacaturam, ad dictum Priorem & Conventum, ſalvâ tamen nominatione perſonæ idoneæ ad eandem Eccleſiam, ſic ut præmittitur vacatur', per Reverendum Patrem Dominum Epiſcopum London.' & Succeſſores ſuos pertinuiſſe, pertinere, & pertinere debere, decernere & pronunciare: Ipſamque Eccleſiam per dictum Magiſtrum Nicholaum, tanquam verum Rectorem ad vitam ejuſdem, ſic perpetuò nominand', reputand', & habend', necnon ſingulos Succeſſores ſuos in dictam Eccleſiam poſtmodum intitulandos, ipſamque Eccleſiam ad nominationem ejuſdem Reverendi Patris & Succeſſorum ſuorum London.' Epiſcoporum, per eoſdem Priorem & Conventum & eorum Succeſſores, eidem Reverendo Patri & Succeſſoribus ſuis hujuſmodi, quotiens opus fuerit, perpetuis futuris temporibus præſentand', inſtituend' regi, Eccleſiamque parochialem & Rectoriam nuncupari & cenſeri debere, pronunciare, decernere & declarare; dictiſque Religioſis Viris, ac eorum Monaſterio, ſuiſque in eodem futuris Succeſſoribus, in quinque Marcis Sterling.' Penſionariam facere, necnon ipſum Magiſtrum Nicholaum, & quoſcunque Succeſſores ſuos, futuros Rectores dictæ Eccleſiæ, ad Solutionem annuæ Penſionis quinque Marcarum hujuſmodi, per ſua Sacramenta ad Sancta Dei Evangelia in eorum Admiſſione & Inſtitutione ad eandem Eccleſiam, futuris perpetuis temporibus præſtand', necnon ad Supportationem & Suſtentationem Reparationis Cancelli dictæ Eccleſiæ, ac Domorum & Edificiorum Rectoriæ ejuſdem, aliorum onerum eidem Eccleſiæ incumbentium ſive ſpectan', tam ordinar.' quam extraordinar.' quorumcunque, onerare, obligare, & aſtringere; quodq; de Juramentis hujuſmodi, in ſingulis Literis Inſtitutionum dicti Magiſtri Nicholai, ac aliorum quorumcunque futurorum Rectorum ejuſdem Eccleſiæ ſucceſſive exiſten', fiat Mentio ſpecialis, alioquin Literæ Admiſſionum & Inſtitutionum hujuſmodi ipſo facto irritæ ſint & inanes, decernere; ac dictum Magiſtrum Nicholaum, & alios Succeſſores ſuos omnes & ſingulos, quotiens & quando opus fuerit, per Sequeſtrationem fructuum ejuſdem Eccleſiæ, cenſuras Eccleſiaſticas & alias Pænas Canonicas, etiam perpetuæ Privationis & Amotionis ab eadem Eccleſia, prout melius videbitur faciend', ad Solutionem Penſionis prædict', debitis & rationabilibus Terminis veſtro arbitrio limitandis, per dictum London.' Epiſcopum qui pro tempore fuerit, abſque Strepitu & Figurâ Judicii, ſolâ rei veritate inſpectâ, cogere & compellere; ulteriuſque facere, ſtatuere, & decernere dignemini in Præmiſſis, & ea concernen.' quibuſcunque, quod Juris fuerit & rationis, ac ſacris in hac parte convenerit inſtitutis: Præmiſſa proponimus & fieri petimus nos Procuratores antedicti, eis quibus ſupra nominibus procuratoriis, conjunctim & diviſim, non arctan.' nos ad onus ſuperfluæ Probationis, de quo proteſtamur, veſtrum Officium in hac parte humilitèr implorando, deduct', juſtas veras & legitimas Petitiones & Supplicationes Partium prædict', Pacem & Quietem perpetuam inter ſe, & Succeſſores ſuos ſtabiliri affectantium, rationabiles & Juri conſonas in hac Parte fuiſſe & eſſe, igitur eaſdem Cauſas tanquam veras, utiles, neceſſarias, & legitimas, Authoritate nobis commiſſa approbantes, Chriſti nomine primitùs invocato, ac ipſum ſolum Deum oculis noſtris præponentes, de Conſilio Juriſperitorum cum quibus communicavimus in hac parte, in præſentia, & de conſenſu partium prædictarum coram nobis, ut præmittitur, comparen', unionem, annexionem, conſolidationem, incorporationem, & appropriationem præfatæ Eccleſiæ parochialis, eiſdem Religioſis Viris Priori & Conventui Sancti Johannis de Lega, ac eorum Domui ſive Prioratui aliàs fact.' ex Cauſis præmiſſis diſſolvimus, demembramus, & ſeparamus; pæfatamque Vicariam, ac nomen Vicarii in eadem, pro perpetuo ſupprimimus, & extinguimus: eandem quoq; Eccleſiam, uſque ad & in Statum priſtinum & antiquum quo ante Appropriationem prædict.' fuerat, reducimus, conſolidamus, & reintegramus: Et Jus præſentandi Perſonam idoneam ad eandem Eccleſiam, quotienſcunque & quandocunque vacaturam, ad dictos Priorem & Conventum, ſalvâ tamen & reſervatâ Nominatione Perſonæ idoneæ ad eandem Eccleſiam ſic ut præmittitur vacaturam, per Reverendum Patrem Dominum London.' Epiſcopum & Succeſſores ſuos, quotiens per Reſignationem, Ceſſionem, Dimiſſionem, ſeu Mortem vacare contigerit, & aliàs opus fuerit, fiend', pertinuiſſe, per-

The Sentence of Diſſolution and Conſolidation.

tinere, & pertinere debere, pronunciamus, decernimus & declaramus; ipſamque Eccleſiam per dictum Magiſtrum Nicholaum, tanquam verum Rectorem dictæ Eccleſiæ ad vitam ſuam, ſic perpetuò nominand', reputand', & habend'; necnon ſingulos Succeſſores ſuos, in dicta Eccleſia poſtmodum intitulandos, ad nominationem ejuſdem Reverendi Patris & Succeſſorum ſuorum London.' Eccleſiæ Epiſcoporum, per eoſdem Priorem & Conventum & eorum Succeſſores — eidem Reverendo Patri & Succeſſoribus ſuis hujuſmodi, quotiens opus fuerit, perpetuis futuris temporibus præſentand', inſtituend.' Regi, Eccleſiamque parochialem & Rectoriam nuncupari, & cenſeri debere, pronunciamus, decernimus & declaramus. Dictis quoque Religioſis Viris ac eorum Monaſterio, ſuiſque in eodem futuris Succeſſoribus, in quinque Marcis Sterling', ad Feſta omnium Sanctor', & Inventionis Sanctæ Crucis, ſingulis Annis per æquales Portiones ſolvend', Penſionar.' facimus, conſtituimus & ordinamus, ac fore & eſſe declaramus; necnon ipſum Magiſtrum Nicholaum, & quoſcunque Succeſſores ſuos futuros, Rectores dictæ Eccleſiæ, & ipſam Eccleſiam, ad Solutionem annuæ Penſionis quinque Marcarum hujuſmodi, per ſua Sacramenta ad Sancta Dei Evangelia, in eorum Admiſſion.' & inſtitution.' ad eandem Eccleſiam perpetuis futuris temporibus præſtand', necnon ad Suſtentationem & Supportationem Reparationis Cancelli prædictæ Eccleſiæ, & aliorum Domorum & Ædificiorum Rectoriæ ejuſdem, ac aliorum onerum eidem Eccleſiæ quomodolibet incumben', tam ordinar', quam extraordinar.' oneramus, obligamus & aſtringimus; quòdque de Juramentis hujuſmodi, in ſingulis Literis inſtitutionum dicti Magiſtri Nicholai, & aliorum quorumcunque futurorum Rector.' dictæ Eccleſiæ ſucceſſive exiſten', fiat mentio ſpecialis, alioquin admiſſion.' & inſtitution.' hujuſmodi, & præſens Decretum ſuper præmiſſis, ipſo facto irrita ſunt, & inania pronunciamus; dictumque Magiſtrum Nicholaum Rectorem, & alios Succeſſores ſuos omnes & ſingulos, quotiens & quando opus fuerit, per Sequeſtrationem fructuum ejuſdem Eccleſiæ, cenſuras Eccleſiaſticas, & alias penas canonicas, etiam perpetuæ Privationis & Amotionis ab eadem Eccleſia, prout melius videbitur faciend', ad Solutionem Penſionis hujuſmodi terminis Supralimitatis, per dictum London.' Epiſcopum qui pro tempore fuerit, abſque Strepitu & Figurâ Judicii, ſolâ veritate inſpectâ, cogend.' & compellend.' fore decernimus per hanc noſtram Sententiam, ſive hoc noſtrum finale Decretum, quam ſive quod ferimus & promulgamus in his Scriptis.

Et nos Thomas, Permiſſione divinâ London.' Epiſcopus, omnia & ſingula præmiſſa, prout ſupraſcribuntur & recitantur, per dictum Magiſtrum Thomam Jan Archidiaconum, officialem London', & Commiſſarium noſtrum prædictum, authoritate noſtra in hac parte, in præſentia & de expreſſ.' conceſſ.' partium prædictarum, habita, geſta, facta, exercita, pronunciata & decreta, Authoritate noſtra ordinaria, & ex certa Scientia, approbamus, ratificamus, & confirmamus, atque perpetuæ Firmitatis robur obtinere debere, pronunciamus & declaramus. In cujus Rei Teſtimonium Sigillum noſtrum præſentibus apponi fecimus. Dat', quoad Sigillationem præſentium, 18. Die Menſis Martii, Anno Domini 1487. & noſtræ Conſecrationis 39°. 1487.

Et Ego Richardus Spencer Clericus, Lincoln.' Dioceſ.' Authoritate Apoſtolicâ & imperiali Notarius, Curiæque Cant.' Regiſtrarius Principalis, & ejuſdem Cur.' Regiſtror.' Cuſtos, Scribaque per præfat.' Magiſtrum Thomam Jan, Archidiaconum, officialem & Commiſſarium antedictum, ad infraſcripta ſpecialiter aſſumptus & deputatus, quia ſupraſcript.' Sententiæ ſive finalis Decreti lecturæ, prolationi ac promulgationi, & cæteris præmiſſis omnibus & ſingulis, dum ſic ut præmittitur, ſub Anno Domini, Indictione Pontificatûs, menſe, die, & loco in fine præſentis Inſtrumenti ſuperius plenius deſcript', agebantur & fiebant, unà cum eodem Magiſtro Thoma Jan, ac Teſtibus prænominatis, Præſens perſonaliter interfui, eaque omnia & ſingula ſic fieri vidi & audivi, ideo hoc præſens publicum Inſtrumentum exinde confeci, meque aliunde occupato, per alium ſcribi feci & in hanc publicam formam redigi, ac Signo & Nomine meis ſolitis & conſuetis unà cum appenſione Sigilli Officialitatis London.' ſignavi, in fidem & Teſtimonium omnium & ſingulorum præmiſſorum. Et conſtat mihi Notario prædict.' de interliniat.' harum dictionum dictis Religioſis Viris Priori & Conventui olim fact', dictique Vicar.' de Birch Magna cum expreſ.' conceſ.' & voluntate partium prædict.' diſſolvend', dimembrand', adnihiland', caſſand', ſupprimend', & extinguend', ac ipſam Eccleſiam parochialem de Birch ſuperius in præſenti Inſtrumento fact'; quæ approbo ego Notarius memoratus.

IX. *King's Letter againſt Leaſes for Lives, by ſole Corporations, as well as aggregate.*

Charles R.

Recites — a former Royal Letter, againſt Leaſes for Lives,

RIGHT Reverend Father in God, Right Truſty and well beloved, we Greete you well: Whereas we did of late direct our Princely Letters unto yourſelfe, bearing

Curle, Winton f. 18.

bearing Date the two and twentieth Day of June laſt paſt, as alſo other our Letters to the Dean and Chapter of your Cathedral Church, whereby we did expreſly forbid the letting of any Church Leaſe or Leaſes into Lives, by you or them, or any of your or their Succeſſors reſpectively, excepting only ſuch Leaſes as were, before the date of thoſe our Letters, granted for Lives, and concerning which we did require both you and every of them, by all lawfull means to endeavour that they might be reduced to Years again; all which we have done for the great Good and Advancement of the Church, as we doubt not but in future times will plainly appear: Now, for as much as we have been informed that ſome (more affecting their preſent private Gaine, than the future Good of the Church whereof they are Members) have miſinterpreted thoſe our Princely Letters, and do conceive that our Meaning is, to prohibit only the letting of ſuch Leaſes into Lives, as are granted by the Dean and Chapter of any Church by common Conſent; and that every particular Dean, Archdeacon, or Prebend, who hath any Corpes allotted to his Dignity, might notwithſtanding diſpoſe of it for Lives without Breach of our Royal Command, as if we would direct our Letters to a Body in general, and not intend to include every ſeveral Member thereof: Theſe are therefore to will and require you that you fail not to ſignifie this Explanation of our Princely Pleaſure to your ſeveral Archdeacons, and to the Dean and Chapter of your Cathedral Church, that they may impart it to every Prebend. Which is, that we do not only lay theſe our Commands upon them and their Succeſſors in general, but likewiſe on every particular Member of that Church, whom they may any ways concern, from the higheſt to the meaneſt Officer in the ſame, including the Vicar's Choralls, in what Church ſoever any ſuch Body is: And that no further Doubts may hereafter be made concerning this Matter, We will that theſe our Letters, together with our former, ſhall remain upon Record both in your Regiſtry, and the Regiſtry of the Dean and Chapter there, that ſo both they, and their Succeſſors from time to time, may take notice of them accordingly, as they will anſwer the contrary at their utmoſt Perils. Given under our Signett at our Honor of Hampton Court, the ſixth Day of October in the tenth Year of our Reign.

—and that ſome had interpreted it to extend only to Deans and Chapters.

His Majeſty's Declaration, that it was meant equally to extend to Deans, Archdeacons, and Prebendaries.

SECT. VII.

Vacations, Dilapidations, *and* Repairs.

I. *Deputatio Yconomi ſuper Vacatione Eccleſiæ.*

Baudak f. 28, a.

RADULPHUS &c, Dilecto in Chriſto Filio, Magiſtro Edmundo de London.' Capellano, Salutem, Gratiam & Benedictionem.

Upon the Voidance of a Benefice,

Cùm Nos oporteat Ordinationem Eccleſiæ de Weſt Tyllebury, ad præſens vacantem, certis ex cauſis differre; nè, Vacatione hujuſmodi durante, Jura ipſius Eccleſiæ depereant, aut Animarum Cura negligatur ibidem; de Induſtriâ tuâ confidentes, Te Edmundum ſupradictum, abſque juris cujuſquam præjudicio, ipſius Eccleſiæ deputamus Yconomum, ac Cuſtodem Sequeſtri noſtri: Ita quòd fructus ipſius Eccleſiæ ex nunc proventur', uſque ad ſex menſes prox.' venturos percipias, & eos in dictæ Eccleſiæ utilitatem expendas fideliter expendenda, & reliqua reſerves ipſius Eccleſiæ futuro Rectori, & Curam Animarum dictæ Parochiæ per te, vel per alium, debitè regas, vice noſtrâ. Proviſo quòd, præmiſſorum occaſione, jus aliud non vendices in eadem Eccleſia eo ipſo, quouſque aliud circa præmiſſa Canonicè duxerimus ordinandum.

—a Sequeſtration is appointed.

In cujus Rei Teſtimonium, has Literas noſtras tibi fieri fecimus patentes, Sigilli noſtri appenſione communitas. Dat.' apud Stebbenhethe, xiij Kalend.' Februarii, Anno Domini M° CCC^{mo} Decimo. 1310.

II. *Sequeſtratio Fructuum, vacante Beneficio.*

Recites — The Vacation of the Church,

— and ſequeſters the Profits.

The Duties of the Sequeſtrators.

Sancroft, f. 303, b.

WILLIELMUS, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, ad quem omnis & omnimoda Juriſdictio Spiritualis & Eccleſiaſtica quæ ad Epiſcopum Aſaphenſem Sede plenâ pertinuit, ipſâ Sede jam vacante, notoriè dignoſcitur pertinere; Dilectis nobis in Chriſto Nicholao Davies, Paynæ Maurice, Morgano Powell & Johanni Powell, Oeconomis ſive Guardianis Vicariæ Eccleſiæ Parochialis de Oſweſtry infra Diœceſin Aſaphen.' noſtræ Cantuarienſis Provinciæ, Salutem in Domino. Cùm Vicaria perpetua Eccleſiæ Parochialis de Oſweſtry prædict.' per mortem naturalem ultimi Vicarii & Incumbentis ibidem vacaverit, & vacat in præſenti, incumbente deſtituta; Et proinde, nos, ne fructùs, decimæ, proventus, oblationes, obventiones, ac cætera Jura & Emolumenta Eccleſiaſtica ejuſdem Vicariæ modò debita, & durante Vacatione ejuſdem provenientia & debentia, dilapidentur aut divaſtentur, ſeu inanibus uſibus applicentur, eoſdem omnes & ſingulos Fructus, Decimas, Oblationes, Obventiones, & cætera Jura & Emolumenta Eccleſiaſtica quæcunque, ad dictam Vicariam Spectantia, ſeu quoviſmodo pertinentia, ad uſum futuri ibidem Incumbentis ſive Jus in eiſdem habentis, ſequeſtrand.' fore decreverimus, & Tenore præſentum ſequeſtramus: Ad publicandum igitur, & publicari faciendum hujuſmodi noſtrum Sequeſtrum in Eccleſiâ prædictâ, ac aliis locis publicis & congruis, quibus vobis melius videbitur expedire, necnon ad petend.' exigend.' colligend.' levand.' ſequeſtrand.' ac in manus veſtras recipiend.' ac ſub ſalvo & tuto Sequeſtro cuſtodiend.' cuſtodirive faciend.' omnes & ſingulos fructus, redditus, proventus, decimas, oblationes, obventiones, ac alia Jura & Emolumenta Eccleſiaſtica prædicta, in quorumcunque manibus exiſtentia, ſive remanentia; Et cum eiſdem, per vos ſic collectis, ſequeſtratis, ſive receptis, Curam Animarum Parochianorum ibidem deſerviri, cæteraque Onera dictæ Eccleſiæ aliquo modo Incumbentia importari, ſuſtineri, & ſolvi, (dummodo de Reſiduis, nobis ſeu Vicario noſtro in Spiritualibus Generali, fidelem Computum, Calculum ſive Ratiocinium, cùm requiſiti fueritis, ad uſum futuri ibidem Incumbentis, reddi curaveritis & feceritis,) vobis, de quorum fidelitate plurimùm in hac parte confidimus, vices noſtras committimus, ac plenam in Domino Tenore præſentium concedimus Poteſtatem, voſque Eccleſiæ prædictæ Sequeſtratores & Collectores ſpeciales ordinamus, deputamus, facimus, & conſtituimus, per præſentes. In cujus Rei Teſtimonium, Sigillum (quo in hac parte utimur) præſentibus apponi fecimus. Datum viceſimo nono Die Menſis Junii, Anno Domini Milleſimo Secenteſimo octogeſimo, noſtræque Conſecrationis Anno tertio. 1680.

III. *Sequeſtratio Vicariæ, eò quòd Vicarius ibidem ſtat Suſpenſus, & pro aliis Cauſis.*

Recites, — The Suſpenſion of the Incumbent,

— and his Obſtinacy.

Commiſſion to provide for the Cure, and to Collect the Profits, &c.

2 Stanh. Vic. Gen. p. 39, b.

JOHANNES Permiſſione divinâ London.' Epiſcopus, Dilectis Nobis in Chriſto, Johanni Simpſon & Johanni Beech, Guard.' Eccleſiæ Parochialis de Redborn in Com.' Hertfordiæ, noſtrarum London.' Diœceſ.' & Juriſdictionis, Salutem in Dòmino. Cum Nos, aliàs ritè & legitimè proceden', ex certis Cauſis juſtis & legitimis, Nos & Animum noſtrum ſpecialitèr moven', & præſertim propterea quòd quidam Humphredus Wildblud Clericus, Artium Magiſter, Vicarius præſens perpetuus Vicariæ perpetuæ Eccleſiæ Parochialis de Redborn prædict', fuit & eſt, per Venerabilem Virum Gulielmum Hutchinſon, S. T. B. Archidiaconum noſtrum Hertford', ejuſve officialem legitimè deputat', propter nonnullas & ſpeciales detectiones, & Juris Eccleſiaſtici Tranſgreſſiones, contra eundem Humphredum Wildblud, per Guard.' & Juratos dictæ Parochiæ fact.' & præſentatas, meritò ritè & legitimè ab omni Verbi Dei Prædicatione & Interpretatione, Sacramentorumque & Sacramentalium Miniſtratione, divinorum Officiorum Celebratione, infra dictum Archidiaconatum, (prout informamur) ſuſpenſus & interdictus; in quo quidem Statu per nonnullum Tempus Animo inſolenti, Beneficiumque Relaxationis ejuſdem ſuæ Suſpenſionis oblatum negand', ac Articulis Religionis, Injunctionibus ſeu Monitionibus legitimis ſibi factis & injunctis, parere quoquomodo non curand.' ſteterit, ac in præſenti ſtat; cujus prætextu Cura Animarum Parochianorum dictæ Parochiæ per Miniſtrum idoneum non deſervitur, ſed penitus orbata & inofficiata relinquitur, prout ex Querela Parochianorum dictæ Parochiæ nobis fact', & in Regiſtro noſtro remanen', apparet: Nos igitur, prout decet, providere volen.' ne Grex Paſtorum deſtituta pereat, & cupien.' idoneum aliquem Miniſtrum ibidem ad deſerviend.' Curæ Animarum (quouſque præmiſſorum reformatio fuerit) deſervien', omnes & ſingulos Fructus, Decimas, Oblationes, Redditus, Proventus, & Emolumenta Eccleſiaſtica quæcunque, ad dictam Vicariam perpetuam de Redborne quomodolibet ſpectan.' & pertinen', in quorumcunque Manibus ſive Cuſtodia exiſten',

juſtè

juſtè ſequeſtravimus, prout ex Tenore præſentium ſequeſtramus Juſtitiâ id mediante: Ad publicandum igitur, ſeu publicari faciend.' hujuſmodi noſtrum Sequeſtrum, Diebus, Horis, Locis & Temporibus, quibus vobis melius videbitur expedire, necnon ad petend', exigend', colligend', levand', & recipiendum omnes & ſingulos Fructus, Redditus, Proventus, & cætera Jura & Emolumenta Eccleſiaſtica quæcunque, eaque ſub ſalvo & tuto Sequeſtro cuſtodiend', cuſtodirive faciend', dummodo de & cum eiſdem Curam Animarum Parochianorum ibidem debite deſerviri, aliaque Onera eidem Eccleſiæ quoquomodo incumben.' importari, Computumque, Calculum ſive Ratiocinium, de & ſuper per vos collectis & receptis virtute hujuſmodi Sequeſtrationis, quandocunque debitè requiſiti fueritis, fidelitèr in Scriptis reddi & dari curaveritis, & feceritis, Vobis, de quorum fidelitate plurimùm in hac parte confidimus, Vices noſtras committimus, ac plenam in Domino Tenore præſentium concedimus Poteſtatem; Voſque omnium & ſingulorum Fructuum, Proventuum, Decimarum, Oblationum, Obventionum, & aliorum Jurium & Emolumentorum Eccleſiaſticorum dictæ Vicariæ perpetuæ Sequeſtratores & Collectores nominamus, ordinamus, facimus, deputamus, & conſtituimus per præſentes. In cujus Rei Teſtimonium, Sigillum Vicarii noſtri in Spiritualibus Generalis, quo utimur in hac parte, præſentibus apponi fecimus. Dat.' London'' quoad Sigillationem præſen', 20 Die Menſis Julii, Anno Domini 1591, noſtræque Conſecrationis 15. 1591.

IV. *Relaxatio Sequeſtri.*

Parker, part 1. f. 315, a.

MATTHEUS Permiſſione divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto nobis in Chriſto Cuſtodi, ſive Cuſtodibus Sequeſtri Fructuum, Decimarum, Proventium, Obventionum, & cæterorum Emolumentorum quorumcunque, Eccleſiæ Parochialis de *Llanvihangellbenlow*, Meneven.' Dioc', noſtræque Cantuarienſis Provinciæ, Salutem, Gratiam & Benedictionem. Cum omnes & ſinguli Fructus, Redditus, Proventus, Decimæ, Obventiones, & cætera Emolumenta Eccleſiaſtica quæcunque, ad dictam Eccleſiam Parochialem de *Llanvihangellbenlow*, & ejus Rectorem pro tempore exiſtentem quemcunque, quomodolibet ſpectan.' & pertinen', impendente viſitatione noſtrâ metropoliticâ infra eandem Dioc.' Meneven', aliàs auctoritate noſtrâ, ex certis juſtis & legitimis Cauſis ſequeſtrat.' fuerint, Cuſtodiaque eorundem vobis commiſſa, Juſticiâ ita exigente; Nos, impræſentiarum ex certis aliis Cauſis juſtis & legitimis, nos in hac parte ſpecialiter moven', Sequeſtrum prædictum, ſic (ut præmittitur) auctoritate noſtrâ aliàs metropoliticâ interpoſitum, duximus relaxand', prout etiam ſic relaxamus per præſentes; Vobis firmiter præcipiendo mandantes, quatenus à die Receptionis præſentium, aut intimationis earundem vobis fiend', ulterius in dicto Sequeſtrationis negotio deinceps vos non intromittatis aut immiſceatis, aut veſtrûm aliquis intromittat vel immiſceat; ſed eidem Sequeſtro & ejus cuſtodiæ penitus & omnino ſuperſedeatis; de receptis verò & expoſitis per vos Vigore Sequeſtri prædicti, Rectori moderno ejuſdem Eccleſiæ, ſeu ejus legitimo Procuratori (ejus Nomine) juſtam reddatis rationem, prout convenit, prioribus Literis vobis in hac parte factis in aliquo non obſtante, quibus harum ſerie derogamus. In cujus Rei Teſtimonium, Sigillum noſtrum præſentibus apponi fecimus. Datum in Manerio noſtro de Lambehith, ——— Die Menſis ——— Anno Domini Milleſimo quingenteſimo ſexagenteſimo, Et noſtræ Conſecrationis Anno primo. 1560.

Recites — That a Beneſice had been put under Sequeſtration,

—and requires the Sequeſtrator to proceed no further,

—and to give an Account.

Pag. 751.

V. *Commiſſio ad inſpiciend.' & taxand.' Defectus Epiſcopatûs, poſt Epiſcopum defunctum.*

† Reynolds, Regiſtr. f. 132. b.

†WALTERUS, &c. Dilectis nobis in Chriſto, Magiſtris Rogero Mareſchall, Willelmo de Leyceſtr.' & Roberto Patrita, Canonicis Eccleſiæ Lichfeldenſis, Salutem, &c. Quia in Domibus, & Maneriis, & Locis, ad Venerabilem Fratrem noſtrum, Dominum R. Dei Gratiâ Coventr.' & Lich.' Epiſcopum pertinentibus, quamplures & notabiles, ut accepimus, ſunt defectus, qui tempore bonæ memoriæ Domini Walteri, nuper Coventr.' & Lich.' Epiſcopi contigerunt, quorum Reparatio ad dictum defunctum noſcitur pertinere; Vobis, de quorum fide & circumſpectionis induſtriâ fiduciam gerimus ſpecialem, Tenore præſentium committimus & mandamus, quatenùs Vos, aut duo Veſtrûm, ad dicta Maneria & Loca ſine moræ diſpendio perſonaliter declinantes, defectuſque hujuſmodi viſui ſupponentes, ipſos per Viros fide dignos & juratos, vocatis qui fuerint evocandi, æſtimari & taxari fideliter faciatis. Et quid in præmiſſis feceritis, nos opportuno tempore Certificetis per Literas veſtras Patentes, harum ſeriem, quales etiam fuerint hujuſmodi defectus, & quanti, & ad quam ſummam æſtimati, in Cedulâ veſtro Certificatorio adjungend.' plenius continentes. Dat. &c. 1374.

The Archbiſhop being informed of Dilapidations left by a Biſhop,

—iſſues his Commiſſion to Enquire and Report.

VI. *Inquiſitio Archiepiſcopi ſuper Defectibus in Maneriis Epiſcopi.*

Witleſ. 28. a.

WILLIELMUS &c. Dilectis Filiis, Magiſtris Johanni Codeford Legum Doctori, & Henrico de Shipton Canonico Herford, Salutem &c. Ex parte venerabilis Fratris noſtri Domini Willielmi, Dei Gratia Herforden.' Epiſcopi, noſtri & Eccleſiæ noſtræ Cantuarienſis Suffraganei, nobis extitit intimatum, quòd bonæ memoriæ Lodowicus nuper Epiſcopus Herforden.' defunctus, quamplures Defectus notabiles, Reparatione neceſſariâ indigentes, in Maneriis, Domibus, Muris, Clauſuris, Eccleſiis, Cancellis, Lociſque, Libris, & Ornamentis Eccleſiaſticis, ac rebus aliis Epiſcopatûs Herforden.' Mortis ſuæ Tempore dimiſit notoriè incorrectos, quorum Reparationis Onus ad dictum defunctum, dum vivebat, pertinebat, nunc autem ad ipſius Executores debeat pertinere, unde ſuper præmiſſis de Remedio ſibi per nos provideri petiit opportuno; Nos igitur volentes tam parti dicti Venerabilis Fratris noſtri, quam quibuſcunque aliis Perſonis Juſticiam facere in hac Parte, ut tenemur, vobis conjunctim committimus & mandamus, firmitèr injungentes, quatenus vocatis coram vobis peremptoriè, ad certos diem & locum competentes Magiſtro Rogero Olery, & Domino Thoma Biſſhebury, Executoribus Teſtamenti dicti defuncti, & aliis in hujuſmodi Negotio de Jure evocandis, ſuper Defectibus hujuſmodi quibuſcumque, qui, quot, & quales ſunt, & in quibus rebus ſeu locis dicti defectus conſiſtunt, & pro quanto ſinguli prædicti defectus ſingillatim poterunt debite reparari, diligenter ac fideliter & plene inquiratis per Viros fide dignos, tam Clericos quam Laicos, in forma Juris juratos, neutri parti ſuſpectos, & rei hujuſmodi habentes Notitiam pleniorem: Et inquiſitione hujuſmodi debite factâ, citetis, ſeu citari faciatis peremptoriè, præfatos Executores, quòd compareant coram nobis viceſimo Die poſt Citationem eis in hac parte factam, ſi Juridicus ſit, alioquin proximo Die juridico tunc ſequente, ubicunque &c. Publicationem Inquiſitionis hujus viſuri, facturique ulteriùs & recepturi in Negotio hujuſmodi, juxta qualitatem & naturam ejuſdem, quod Juſticia & Sanctiones Canonicæ exigunt & requirunt. Et quid feceritis & inveneritis in præmiſſis, ac de die Citationis veſtræ, & an præfatos Executores perſonaliter inventos citaveritis, Nos, citra Diem Comparationis eorundem eis aſſignandum, clarè & diſtinctè, unà cum Nominibus & Cognominibus eorum per quos capta fuerit, certificetis per Literas veſtras patentes & clauſas, harum Seriem Inquiſitionemque veſtram hujuſmodi plenius continentes. Dat.' apud Otteford, 13 Kal.' Junii, Anno Domini 1370. 1370.

VII. *Licentia ad diruendum, & ædificandum, in Palatio Epiſcopi.*

Pag. 751.

A Commiſſion having been iſſued to view an Epiſcopal Palace,

—and a Return made by the Commiſſioners, how it may be ordered for the beſt,

—a Licence or Faculty is accordingly granted.

Abbot, 3 Regiſtr. f. 128, b.

GEORGIUS &c. Reverendo in Chriſto Patri ac venerabili Confratri noſtro, Domino Johanni eâdem Providentiâ Roffen.' Epiſcopo moderno, Salutem in Domino ſempiternam. Quia per Inquiſitionem Venerabilis Viri Walteri Balcanqual, ſacræ Theologiæ Profeſſoris, Decani Eccleſiæ Cathedralis Chriſti & Beatæ Mariæ Virginis Roffen.' Georgii Smith, Chriſtopheri Dale, Edmundi Jackſon, & Johannis Lorkin, Præbendariorum ejuſdem Eccleſiæ Cathedralis (Quæ Inquiſitio facta eſt virtute Commiſſionis noſtræ ad eos directæ, gerentis Dat.' viceſimo octavo die menſis Maii ultimò præterit.') & per eorum Certificatorium (cui annexa eſt Commiſſio noſtra antedicta ac nobis tranſmiſſa) ſub manibus eorum propriis & Sigillis reſpectivè nobis ſignificata erat ſub formâ ſequente, *The Certificate of Walter Balcanqual Doctor of Divinity*, &c. Per quod nobis apparet, quædam ædificia ad Palatium ſive Domum veſtram Epiſcopalem apud Civitatem Roffen.' valde ruinoſa eſſe, quæ reædificanda ſunt, ac in meliorem formam redigenda & reparanda; Alia verò planè ſine uſu & omnino ſuperflua exiſtere, & potiùs diruenda eſſe quam reparanda & reædificanda: Nos igitur, Judicium dictorum Commiſſariorum ſequentes, Licentiam, Facultatem pariter & Authoritatem, Tibi (quantum in nobis eſt, & Jura hujus Regni Angliæ in ea parte patiuntur, & non aliter neque alio modo) damus, concedimus, & confirmamus, ut eas partes ædificiorum in prædicto Certificatorio contentas & ſpecificatas, quas dicti Commiſſarii noſtri in dicto Certificatorio, tanquam ſine uſu & omnino ſuperfluas, diruendas & penitùs demoliendas & amovendas eſſe certificant, diruere, demolire, & penitùs amovere (modò tamen materies, quæ ex ruinis & demolitionibus hujuſmodi ſuperfuerint, ad reparationem reliquarum domorum & ædificiorum Palatii veſtri Epiſcopalis Roffen.' antedicti, & non ad alios uſus, applicentur) liberè, licitè, & impunè, valeas & poſſis; aliquâ Ordinatione, Canone vel Conſtitutione Eccleſiaſticis, in contrarium faciend.' non obſtante. Alias vero partes ædificiorum prædictorum, quas dicti Commiſſarii noſtri in dicto Certificatorio reformandas, reparandas, reædificandas, ſuſtinendas & ſuſtentandas eſſe Certificant, reformare, reparare, re-ædificare, ſuſtinere, & ſuſtentare, ſecundùm Ordinationes, Canones, & Conſtitutiones Eccleſiaſticas, teneberis. In cujus rei Teſtimonium ſigillum (quo in hac parte utimur) præſentibus apponi fecimus.

1632. mus. Dat.' decimo ſeptimo die Menſis Julii, Anno Domini 1632. & noſtræ Tranſlationis Anno viceſimo ſecundo.

VIII. *Commiſſio Generalis per totam Diœceſin Cant.' pro Reparationibus Domorum &c. faciendis.*

1 Arund. f. 386. a.

The Return recites the Archbiſhop's Commiſſion,

—ſetting forth the obligation upon Incumbents to employ all Monies received for Dilapidations within a year; and in other caſes, to repair, within two months after notice, upon pain of Sequeſtration;

—notwithſtanding which, ſeveral Incumbents neglected to repair,

—and therefore he requires them to be admoniſhed to do it, upon pain of Sequeſtration.

REverendiſſimo in Chriſto Patri ac Domino, Domino Thomæ, Dei Gratia Cant.' Archiepiſcopo, totius Angliæ Primati, & Apoſtolicæ Sedis Legato, veſter humilis & devotus obedientiæ Filius Adamus Body, Conſiſtorii veſtri Cantuar.' Regiſtrarius Obedientiam & Reverentiam tanto Patri debit.' cum honore. Mandatum veſtrum Reverendiſſimum 26 Die Menſis Novemb. A. D. 1403 recepi, tenorem continens ſubſequentem. Thomas Permiſſione Divinâ . . . . Cant.' &c. Dilectis in Chriſto Filiis, Magiſtro Rogero Baſſet Commiſſario noſtro Cantuar.' Generali, Adæ Body Regiſtrario, & Thomæ Wilton Apparitori noſtro Generali Salutem &c: Sartatecta à Perceptoribus Fructuum reparari, non ſolum Juris civilis & canonice dictat Auctoritas, ſet & ſacri eloquii Pagina inſtruit, ac Conſtitutiones noſtræ Provinciales penali quadam Adjectione diſponunt, Cenſurâ (viz.) tali adhibitâ, ut quæcunque Pecuniar.' Summæ Nomine Reparationis, per Viam Compoſitionis receptæ, ſive Judicii, in ipſam Reparationem infra certum Tempus ordinario Arbitrio convertantur; Defectus quoque notabiles in manſis Beneficiator', ſive Cancellis Eccleſiar.' repert', ſi infra duos menſes à tempore Monitionis ipſius Ordinarii non fuerint congrue reparati, idem Ordinarius tantum recipi faciat de Fructibus ipſius Beneficii, Unde eoſdem Defectus faciat debite reparari: Nonnulli tamen Rectores & Vicarii noſtræ Cant.' Diœceſ.' Rectorias & Vicarias ſuas in Cancellis, Domibus, & Clauſuris, ad eorum Reparationem ſeu Refectionem pertinentibus intactis patiuntur deformari Ruinis, ut ea Occaſione protholor.' divina Officia alicui non implentur, Subtrahitur Hoſpitalitas, Mortuo Incumbente brige & diſcordiæ ſuſcitantur, ac noſtra negligentia clamoſis inſinuacionibus irretitur. Ne igitur tanta Proviſio cum ſubjectis Periculis noſtris conniventibus oculis pereat ſine Fructu, vobis conjunctim & diviſim committimus, & firmiter injungendo mandamus, quatenus omnes & ſingulos Rectores & Vicarios, per noſtram Diœceſ.' ubilibet conſtitutos, noſtra Authoritate moneatis & efficacitèr inducatis, quos etiam nos Tenore Præſentium ſic monemus, ut omnes & ſingulas Pecuniarum Summas, Nomine Beneficiorum ſuorum hujuſmodi, per Viam compoſit.' ſive Judicii per eoſdem receptas, in reparation.' & refection.' eorundem Beneficior.' indilatè convertant; quòdque Cancellos, Domos, Grangias & Clauſuras, ad eadem Beneficia & ipſorum Beneficiorum Reparationem ſeu Refectionem pertinentes, infra duos Menſes à Tempore Monitionis hujuſmodi eiſdem in hac Parte factæ, ſeu notificatæ, congrue faciant reparari, ſeu Defectus refici eorundem: Denuncietis inſuper per expreſſum, quòd ſi quis vel qui, quovis queſito colore, mandata noſtra hujuſmodi temerè neglexerit adimplere, Nos eorundem Defectus & Negligentias, ſecundùm omnem Vim, Formam & Effectum conſtitut.' noſtrarum Provincial', de quarum tenore ſuperius fit mentio, ſupplere curabimus in Eventum. Et quid feceritis in Præmiſſis, Nos, lapſo Termino hujuſmodi Monitionis, diſtinctè & clarè curetis reddere certiores. Dat.' in Manerio noſtro de Maidſton, 16° Die Menſis Novembris, Anno Domini 1403, & noſtræ Tranſlationis Anno octavo. Cujus Authoritate Mandati veſtri Reverendiſſimi, omnes & ſingulos Eccleſiarum ſubſcriptarum Rectores (viz.) de Crundale, Biſhopſbourn, Kyngeſton, Charring, Hawkeherſt, Sandeherſt, Bocton, Malherbe, veteri Romeney, Hope, Demechurche, Eſtbrugge, Snave, Snergate, Orgareſwyke, Lymynge, Saltwode, Blakemanſton, Sutton Valence & Elmele, ac perpetuum Vicarium de Lyde veſtræ Dioceſ.' ſive eorum Procuratores, monui & moneri feci, juxta omnem Vim Formam & Effectum dicti Mandati veſtri Reverendiſſimi, prout Natura & Qualitas ejuſdem etiam in ſe exigunt & requirunt. Et ſic mandatum veſtrum Reverendiſſimum, quantùm in me eſt, obedientèr ſum executus. In cujus Rei Teſtimonium Sigillum Commiſſarii veſtri Cant.' Generalis Præſentibus apponi procuravi. Dat.' Cant.' 26 Die Menſis Januarii, Anno Domini ſupradicto. 1403.

The Names of the Incumbents admoniſhed.

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IX. *Commiſſio ad inſpiciend.' & taxand.' Defectus Rectoriæ, tempore Prædeceſſoris.*

* Iſlip, f. 10. b.

Complaint being made of Dilapidations left by the Predeceſſor,

*SIMON &c. Decano de Pageham, noſtræ Juriſdictionis immediatæ, Salutem, Gratiam, & Benedictionem: Intimavit nobis Dominus Johannes Atte Preſtes, Rector Eccleſiæ de Tangmere, noſtræ Juriſdictionis prædictæ, quòd in Domibus, Cancello, Libris & Ornamentis Eccleſiæ ſuæ, nonnulli ſunt defectus notabiles & enormes, quorum Reparatio ad Dominum Thomam de Goldyngham, nuper Rectorem ipſius Eccleſiæ

— a Commiſſion iſſues to enquire, and Report.

cleſiæ dum vixit, & nunc ad Executores ſuos, ut aſſerit, dinoſcitur pertinere; Sibique in hac parte petiit per nos provideri de remedio opportuno: Nolentes igitur eidem in ſuâ deeſſe Juſtitiâ, ſicuti nec debemus, Tibi Committimus & Mandamus, quatenùs, vocatis vocandis, ad quem ſeu quos defectuum hujuſmodi reparatio pertineat, & ad quam ſummam ſe extendat, & quorum, ſeu cujus Rectoris, temporibus contigerunt, per Viros fidedignos & juratos diligenter inquiras. Et quid per hujuſmodi Inquiſitionem inveneris, ſtatim (dicto negotio expedito) Nos cures reddere certiores per Literas tuas Patentes & Clauſas, harum ſeriem continentes. Dat.' apud Lamheth, xiii Kalend.' Februarii, Anno Domini milleſimo CCC^{mo} xlix^{o} & Conſecrationis noſtræ primo. 1349.

X. *Commiſſio in Cauſâ Appellationis, Occaſione Dilapidationum Firmæ ad Eccleſiam ſpectantis.*

The Archbiſhop's Commiſſion recites, That a Canon of Wells had complained of Dilapidations left by his Predeceſſors in a certain *Farm*,

— and that the Executors had in their hands ſufficient Aſſets to make Reparation, but refuſed:

— whereupon the Archbiſhop grants a Commiſſion to Enquire, and to compel Reparation, if the Facts were proved.

1 Arundel, f. 145. a.

THOMAS &c. Dilectis in Chriſto Filiis, Dominis Willielmo Calfe Succentori, & Thomæ Madynglegh, Canonicis Eccleſiæ Cathedralis Wellen', & Thomæ Lyghe Rectori Eccleſiæ Parochialis de Obeleygh, Bathon.' & Wellen.' Dioceſ.' Salutem, Gratiam & Benedictionem ſua. Nobis Dilectus Filius Venerabilis Vir Magiſter Rogerus Harwell, Canonicus Reſidentiarius dictæ Eccleſiæ Cathedralis Wellen', Firmam in eadem Eccleſia de Modeford & Lonynton, per mortem Thomæ Byngham, dum vixerit, & tempore ſuæ mortis Canonici dictæ Eccleſiæ, & Firmarii Firmæ antedictæ nuper in facta decedentis vacantem, juxta Statuta & Conſuetudines ejuſdem Eccleſiæ, ut aſſeritur, debite obtinens, gravem Querelam monſtravit, quòd præfatus Thomas Byngham dicti querelantis in Firma ſupradicta Prædeceſſor.' immediatus, quamplures & diverſos Defectus graves, & enormes, notabiles & patentes, refectionem, emendationem, & reparationem neceſſariis notorie indigentes, in Domibus, Muris, & Clauſuris, Rebuſque aliis dictæ Firmæ tempore ipſius Thomæ dum vixit, & Firmarius hujuſmodi extitit, ac ejuſdem morâ, culpâ & negligentiâ contingentes, ſuæ mortis tempore reliquit irreparatos, incorrectos penitus & ſuppletos; qui quidem Defectus adhuc notorie remanent incorrecti & inſuppleti, quorumque refectionis, reparationis, & ſuppletionis onus, ad dictum Thomam Byngham dum ſuperſtes erat, ac tempore quo ab hac Luce migravit, ac citra ejus mortem ad ſuos Executores, aut bonorum Adminiſtratores & Occupatores dinoſcitur notorie pertinere; & quamquam bona ſufficientia ipſius defuncti, ad hujuſmodi Defectus omnes & ſingulos debite reficiendos, ad manus ipſorum Executorum notorie pervenerunt, & remanent in præſenti, iidem tamen Executores ipſos Defectus debitè reficere, ad hoc per partem dicti querelantis ſæpius & congruè requiſiti, non curaverunt, ſet hoc facere abſque cauſa rationabili ſeu legitima quacunque expreſſè recuſârunt & recuſant, ſeu plus debito diſtulerunt & deferunt injuſtè, in ipſius querelantis Præjudicium & Gravamen; ſuper quibus Pars ejuſdem querelantis petiit inſtantèr à nobis de congruo ſibi remedio provideri: Nos igitur, qui Jure Legationis noſtræ, & prærogativæ Eccleſiæ noſtræ Cantuarien.' obtentu, univerſas Cauſas ſingulorum Subditorum ſuffraganeorum noſtrorum, quæ per Appellationem vel Querelam ad noſtram Audientiam perveneunt, audire poſſumus & debemus, ſicut qui in noſtra Provincia Cantuar.' Vices Domini noſtri Papæ gerere comprobamur, nolentes eidem Parti querelanti in ſua deeſſe Juſtitiâ, ſicuti nec debemus, Ad inquirend.' in Forma Juris, vocatis primitus ad hoc legitime coram vobis dicti Thomæ Byngham Executoribus, ſive bonorum Adminiſtratoribus, & Occupatoribus, ac aliis de Jure vocandis, ſi præmiſſa veritate nitantur, necnon de & ſuper Defectibus antedictis, qui & quales fuerunt atque ſunt, ac pro quanto valeant compitenter refici, reparari, & debite ſuppleri, hujuſmodique inquiſitionis & reparationis negotium, cum ſuis emergentibus, incidentibus, & connexis univerſis audiendis, diſcuciendis, & fine debito terminandis, & in Caſu quo præmiſſa inveneritis veritate fulciri, dictis Executoribus ad congruas & debitas reparationem & refectionem defectuum prædictorum, ſeu aliàs de & pro eiſdem præfato Rogero Harwell Canonico & firmario antedicto ſatisfaciend', canonicè compellend'; Vobis conjunctim & cuilibet veſtrum diviſim, de quorum Fidelitate & Induſtria plene confidimus, committimus Vices noſtras, cum cujuſlibet cohertionis canonice, & ea quæ decreveritis debite Executioni demandand.' Poteſtate: mandantes quatenus dicto Expedito Negotio, de omni eo quod feceritis & coram vobis factum fuerit, & inveneritis in Præmiſſis, Nos, aut noſtr.' antedict.' Cauſarum & Negotiorum Auditorem, clarè & diſtinctè certificetis per Literas veſtras Patentes, harum Seriem continentes, Sigillo authentico conſignat', vel ſic certificet ille veſtrum qui præſens noſtrum fuerit executus. Dat.' in Manerio noſtro de Lamheth, 27 Die Menſis Octobris 1406, noſtræque Conſecrationis Anno undecimo. 1406.

XI. *Commiſſio*

Pag. 751.

XI. *Commiſſio pro Sequeſtrando Bona Rectoris defuncti, quouſque ſatisfactum fuerit de Defectibus.*

Courtney Regiſtr. f. 51, b.

WILLIELMUS, &c. Dilectis Filiis, &c. Quia intelleximus quòd Dominus Richardus Criſſenyle, nuper Rector Eccleſiæ de Rolnenden', plures defectus notabiles tam in Cancello, Libris & Ornamentis, quàm in Domibus & Clauſuris ac aliis Ædificiis ipſius Rectoriæ, negligenter dimiſit incorrectos, quorum reparatio ad ipſum Dominum Ricardum Rectorem prædictum, dum vixit, pertinuit, & ad ipſius Executores & Bonorum ſuorum Adminiſtratores ſi quos dimiſerit, notoriè pertinet in præſenti; ac inſuper non modicam Dilapidationem in Proſtrationibus Arborum, Sepium, & Boſcorum, ad dictam Eccleſiam pertinentium, fecit, & ultra quàm neceſſe fuit diſſipando conſumpſit, in dictæ Eccleſiæ Læſionem manifeſtam, ac Succeſſoris ſui Rectoris dampnum non modicum & gravamen: Quocirca, vobis conjunctim & diviſim Committimus & Mandamus, quatenùs omnia Res & Bona ubicunque fuerint inventa, in quorumcunque Manibus exiſtentia, auctoritate noſtrâ ſequeſtretis, & ſub arcto & tuto cuſtodiatis ſequeſtro; quouſque Executores prædicti, ſi qui fuerint, ſeu aliàs bonorum hujuſmodi adminiſtratores, pro reparatione dictorum defectuum idoneam coram nobis præſtiterint Cautionem, ſeu aliàs vero ipſius Eccleſiæ Rectori pro Defectibus ipſis & Dilapidatione congruè fuerit ſatisfactum. Dat.' apud Maghfeld primo die Januarii, &c.

1382.

A Rector having left Dilapidations,

— which reſt upon his Executors or Adminiſtrators;

— all his Goods are put under Sequeſtration.

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XII. *Sequeſtratio Fructuum Rectoriæ, pro Defectibus Reparandis, Rectore vivente.*

* Parker; Regiſtr. fol. 387, a.

*MATTHÆUS, Permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilectis nobis in Chriſto Georgio Goringe Parochiæ de Ovingdeane in Comitatu Suſſex Armigero, & Johanni Shelley Armigero Parochiæ de Patcham in dicto Comitatu Suſſex, &c. Salutem, Gratiam, & Benedictionem. Cum (uti ex fide dignâ Relatione accepimus) Cancellus Eccleſiæ Parochialis de Stanmer in Decanatu de Southmalling, noſtræ, & Eccleſiæ noſtræ Chriſti Cantuarienſis Juriſdictionis immediatæ, necnon Rectoria & alia Ædificia eidem pertinentia, negligentiâ & incuriâ Thomæ Kynge Clerici, Rectoris Eccleſiæ Parochialis de Stanmer prædict.' ejuſque Firmariorum ſive Deputatorum, admodùm ruinoſa & ferè funditùs proſtrata exiſtunt; quòdque præfatus Thomas Kynge nonnullas Decimas, Fructus, Reditus, & Proventus ipſius Eccleſiæ diverſis Separalibus perſonis locaverit, & ad firmam dimiſerit; cujus prætextu hujuſmodi Firmarii circa eorundem Fructuum & Decimarum perceptionem ad vim & arma veriſimiliter convolaturi ſunt, niſi de celeri & congruo remedio in hac parte provideatur: Nos igitur, præmiſſa conniventibus oculis præterire nolentes, ſed eis pro poſſe noſtro ſubvenire cupientes, ac ut Fructus, Reditus & Emolumenta dictæ Eccleſiæ, quæ (deductis oneribus conſuetis eidem Eccleſiæ incumbentibus) remanſerint, ad reparationem præmiſſorum, & ad uſus jus & intereſſe in eiſdem habentis, conſerventur, providere volentes; omnes & ſingulos fructus, reditus, proventus, decimas, oblationes, ac alia Jura & Emolumenta Eccleſiaſtica quæcunque ad dictam Eccleſiam Parochialem ſpectantia & pertinentia, ex cauſis prædictis, & aliis nos in hac parte ſpecialiter moventibus, ex Officio noſtro duximus Sequeſtranda, prout etiam ſic Sequeſtramus; & hujuſmodi Sequeſtri noſtri Cuſtodiam vobis conjunctim & diviſim committimus per præſentes. Ad publicandum igitur hujuſmodi Sequeſtrum noſtrum, ſic per nos interpoſitum, omnibus & ſingulis quibus intereſt in hac parte; necnon ad colligendum, levandum, & percipiendum omnes & ſingulos Fructus, Decimas, Obventiones, Commoditates, & Emolumenta Eccleſiaſtica quæcumque ad Dictam Eccleſiam Parochialem quoquo modo ſpectantia & pertinentia, eáſque & ea ſic collecta, levata, & percepta, ſub ſalvo & tuto Sequeſtro cuſtodiendum, & conſervandum, & quæ temporis morâ de veriſimili futura ſunt deteriora, juſto pretio alienandum & venditioni exponendum; Ac de collectis, levatis, & perceptis, hujuſmodi Curæ dictæ Eccleſiæ Parochialis in divinis officiis & aliis requiſitis deſerviri, ac Defectus & Decaſus Cancelli & aliorum Ædificiorum prædictorum ſufficienter reparari & emendari faciendum, necnon omnia alia onera eidem Eccleſiæ incumbentia, ſupportari faciendum & cauſandum, ac de Reſiduo ſic collect.' levat.' & percept.' fidelem Computum ſive Ratiocinium (cùm ad hoc congruè fueritis requiſiti) juſtè reddendum & faciendum; Cæteráque omnia & ſingula alia faciendum, gerendum & expediendum, quæ in hac parte neceſſaria fuerint ſeu de jure quomodolibet requiſita; Vobis vices, & authoritatem noſtras conjunctim & diviſim committimus per præſentes; tantiſper duratur.' quoad eas duxerimus relaxand.' Et præterea, univerſis & ſingulis Clericis & Literatis quibuſcunque per Provinciam noſtram Cantuarienſem ubilibet conſtitutis, præſentes Literas noſtras receptu-

The Chancel, and Houſes of a Rectory, being greatly dilapidated, by the neglect of a Rector then Living,

— a Sequeſtration of Profits is iſſued,

— and (the Cure being firſt provided for) Reparation enjoyned;

— with uſual denunciation of ſpiritual Cenſures againſt all who ſhall hinder.

ris, conjunctim & diviſim committimus, & firmiter Injungendo mandamus, quatenùs, ſi quis præſenti Sequeſtro noſtro contradixerit, aut eidem contravenire voluerit, vel hujuſmodi noſtrum Sequeſtrum auſu temerario, quovis quæſito colore violare præſumpſerit; tunc citent ſeu citari faciant peremptoriè Contradictores & Violatores hujuſmodi omnes & ſingulos, & quemlibet eorum, quòd compareant, & quilibet eorum compareat coram Nobis aut Vicario noſtro in Spiritualibus Generali aut Officiali principali quocunque, in Eccleſiâ Cathedrali Divi Pauli London.' Loco Conſiſtoriali ibidem, decimo quinto die poſt Citationem hujuſmodi eis aut eorum alicui in hac parte reſpectivè factam, ſi Juridicus fuerit, alioquin proximo die Juridico ex tunc ſequente, quo Nos, aut Officialem principalem hujuſmodi, ad jura reddend.' harum Cauſarum ibidem conſuetum, pro tribunali ſedere contigerit; certis Articulis, Capitulis, ſive Interrogatoriis, præmiſſa ac contemptum & vilipendium noſtri & Juriſdictionis noſtræ Eccleſiaſticæ concernen.' eis & eorum cuilibet, cum venerint, ex Officio noſtro reſpective objiciend.' & miniſtrand.' perſonaliter reſponſuri, ulteriúſq; facturi & recepturi quod juſtum fuerit in hac parte. Et quid in præmiſſis feceritis, Nos, aut Vicarium noſtrum in Spiritualibus Generalem ſive Officialem principalem hujuſmodi, dictis die, horâ, & loco, vel citrà, debitè certificetis, ſeu certificet ille veſtrûm qui præſens noſtrum Mandatum fuerit executus. Dat.' quinto die menſis Julii, Anno Domini 1568. & noſtræ Conſecrationis Anno nono. 1568.

XIII. *Commiſſio ad inquirendum, an Reparationes factæ fuerint ſecundùm Cautiones datas; &, ſi aliter, ad Sequeſtrandum.* Pag. 751.

A Sequeſtration having been Relaxed, upon Caution given to Repair,

† Peccham; Regiſtr. f. 56. b.

FRATER † J. &c. Officiali ſuo Cant.' Salutem, &c. Meminimus, Nos nuper fructus Eccleſiæ de Biſoppesburne, pro quibuſdam Defectibus tam in Domorum ædificiis quàm Ornamentis Eccleſiæ repertis, ſequeſtrari feciſſe: Demùm autem, Procurator Ottonis Computh defuncti, quondam Rectoris ejuſdem Eccleſiæ, coram Nobis comparens, ipſum Sequeſtrum tali Condicione optinuit relaxari, ut videlicèt prius de reparandis omnibus Defectibus tam in Ædificiis, quàm in Ornamentis Eccleſiæ, fidejuſſorias exponeret Cautiones; ſuper quibus quid hucuſque factum extiterit, penitùs ignoramus. Quocirca diſcretioni veſtræ committimus & mandamus, firmiter injungentes, quatenùs de præmiſſis inquirentes diligentiùs veritatem, ſi dictas Cautiones ſufficienter eſſe præſtitas inveneritis, fidejuſſores ipſos auctoritate noſtrâ per Cenſuram Eccleſiaſticam compellatis ad integram Reparationem, & Refectionem omnium Defectuum prædictorum: Si verò ſuper hiis nihil inveneritis eſſe factum, fructus ipſius Eccleſiæ, & quæcunque alia Bona dicti defuncti, Sequeſtretis, & ſub Sequeſtro faciatis arctiùs detineri. Mandantes diſtrictè Firmario Eccleſiæ memoratæ, &, ſicut Nobis de ipſo Sequeſtro reſpondere volueritis, Inhibentes, nè quicquam de Bonis ipſius Defuncti penès eum reſidentibus, ejus Executoribus vel aliis quibuſcunque reſtituat, donec prædicti omnes Defectus integrè reparentur, & ſuper hoc à nobis aliud receperit in mandatis. Quid autem ſuper hiis inveneritis, Nobis, quam citiùs fieri poterit, fideliter intimetis. Denunciantes inſuper ipſi Firmario, quòd ſi ipſa Bona à ſuis manibus permiſerit elongari, Nos ea de ipſo uſque ad quadrantem ultimum requiremus. Dat.' apud Wytten. 2 Non. Junii, Conſecrationis noſtræ Anno ſecundo. 1280.

— Enquiry is directed, whether any thing hath been done? and if not, Sequeſtration to be made again.

XIV. *Commiſſio ad Inſpiciendum Domos Rectoriæ, pro Mutatione earum Statûs; ad petitionem Rectoris.* Pag. 751.

Upon the Petition of a Rector, to make Alterations in his Parſonage Houſe,

* Sancroft; Regiſtr. f.219, a.

*WILLIELMUS, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilectis Nobis in Chriſto *Thomæ Grenhalh* Rectori de Cooling, *Richardo Pearſon* Vicario de Higham, *Johanni Crew* Vicario de Hartlipe, *Edwardo Turner* Rectori de Halſtow, in Comitatu Cant.' *Johanni Guy* de Strood, *Iſaaco Blake* de Strood prædict.' *Henrico Gardner* de Hawling, *Bonham Haze* de Cobham, in Comitatu Cantii, reſpectivè, Generoſis; Necnon Capitaneo *Roberto Barker*, de Ifield aliàs Singlewell, in Comitatu prædicto, Armigero, Salutem & Gratiam. Porrecta nobis nuper petitio ex parte *Georgii Stradling*, Sacræ Theologiæ Profeſſoris, Rectoris Rectoriæ Eccleſiæ Parochialis de Cliffe in Comitatu Cantii prædicto, Eccleſiæ Cathedralis & Metropoliticæ Chriſti Cantuarienſis Peculiaris & Exemptæ Juriſdictionis, continebat, Quòd nonnulla Ædificia, Domus, & Structuræ, vulgò vocat.' *The old Kitchin*, *The old Wellhouſe*, *the Fodder Houſe*, and *the Vicaridge Houſe*, ex antiquo fabricat.' & conſtruct.' ad dictam Rectoriam de *Cliffe* prædict.' ſpectan.' & pertinen.' ita ruinoſa, dilapidata, & quaſi per plurimos Annos elapſos devaſtata fuerunt, & ſunt, ut ratione Decaſuum, Dilapidationum, & Ruinarum prædict.' potiùs deſtruenda & demolienda ſint quam denuò reparanda

&

& reſuſcitanda; quorum demolitiones & deſtructiones potiùs ad commodum & utilitatem, quam diſpendium & præjudicium dicti Rectoris moderni & Succeſſorum ſuorum meritò cedere cenſeantur: Nobis igitur ſupplicaverit, quatenùs ruinoſa & dilapidata Ædificia & Structuras prædict.' ad dictam Rectoriam de Cliffe ſpectan.' dirui & demoliri, ac Materiem, quæ ex ruinis & demolitionibus eorundem ſuperfuerit, ad congruam ſuſtentationem & reparationem reliquarum Domorum & Ædificiorum ad dictam Rectoriam deſtinari & applicari dignaremur decernere: Vobis igitur, de quorum Fidelitate & Circumſpectionis Induſtriâ plurimùm in hac parte confidimus, Tenore præſentium committimus & mandamus, quatenùs Vos, aut quatuor veſtrûm, ad dicta Ædificia, Domos & Structuras prædict.' ad dictam Rectoriam de Cliffe ſpectan.' ſine moræ diſpendio perſonaliter adeuntes, Decaſus & Ruinas dictorum Ædificiorum viſui ſupponatis veſtro, ac omnia & ſingula Ædificia ibidem, quæ magis ex uſu & utilitate dicti Rectoris & Succeſſorum ſuorum, maturo & deliberato Conſilio & Judicio veſtro, aut quatuor veſtrûm, diruenda & amovenda ſint quam reparanda, Nobis, aut Vicario noſtro in ſpiritualibus Generali, in Scriptis ſub Sigillis veſtris, aut quatuor veſtrûm, particulariter tempore opportuno, unàcum præſentibus, Certificetis. In cujus Rei Teſtimonium, Sigillum (quo in hac parte utimur) præſentibus apponi fecimus. Dat.' viceſimo nono Die Menſis Aprilis, Anno Domini milleſimo ſexcenteſimo ſeptuageſimo nono, noſtræque Conſecrationis Anno ſecundo. 1679.

—a Commiſſion is iſſued to inſpect, and make Return.

Pag. 751.

XV. *Licentia ad mutandum Statum Domûs Rectoriæ, ſecundum Tenorem Certificatorii ſuperinde facti.*

† Sancroft: Regiſtr. fol. 214. b.

After Inquiſition, and Return, concerning a Parſonage-Houſe,

† WILLIELMUS, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto nobis in Chriſto Reverendo Viro *Georgio Stradling* ſacræ Theologiæ Profeſſori, Rectori Eccleſiæ Parochialis de Cliffe in Comitatu Cantii, Eccleſiæ noſtræ Cathedralis & Metropoliticæ Chriſti Cantuarienſis Peculiaris Juriſdictionis & immediatæ, Salutem & Gratiam. Quia per Inquiſitionem *Richardi Pearſon* Vicarii De Higham, *Johannis Crew* Vicarii de Hartlipp, *Edwardi Turner* Rectoris de Halſtoe, Necnon *Iſaaci Blake* de Stroode, reſpectivè, in Comitatu Cantii prædicto (quæ Inquiſitio facta eſt virtute Commiſſionis noſtræ, ad eos & alios directæ) & per eorum Certificatorium ſub manibus eorum propriis & Sigillis reſpectivè, Nobis ſignificatum erat, ſub hac forma:

WE whoſe Names are underwritten, by Virtue of a Commiſſion directed to us from the moſt Reverend Father in God William *by Divine Providence Arch-Biſhop of Canterbury, to make Inſpection into the Ruins and Dilapidations of the Parſonage Houſe of Cliffe, and other buildings thereunto belonging, Do certifie, That, in our Judgments, the Houſe called the* Vicaridge Houſe *may be demoliſhed, as altogether uſeleſs: Likewiſe, that the* Old Kitchen, *and old* Well-houſe *may be taken down; provided the Hall now ſtanding be made into two Lower Rooms and Chambers. And as for the* Fodder Houſe, *it is our opinion, that it ſhould rather be repaired than demoliſhed. In Witneſs hereof we have hereunto ſet our Hands and Seals, May the Seventh* 1679. *Ri. Pearſon* Vica. de Higham. *John Crew* Vic. de Hartlipp. *Edw. Turner* Rec. de Halſtoe. *Iſaac Blake.*

—by which the ſtate and condition of it appeared;

Per quod Nobis apparet, quoddam Ædificium vulgò vocatum *The Fodder-houſe*, ad Domum Manſionalem Rectoriæ de Cliffe prædict.' ſpectan.' & pertinen.' valdè ruinoſum eſſe; quod re-ædificandum eſt, & in meliorem formam redigendum & reparandum; Alia vero Ædificia vulgò vocata *The Vicaridge Houſe, the old Kitchen, and old Well-houſe*, potiùs diruenda, quàm reparanda & re-ædificanda; ſub eâ Conditione & Proviſione, ut Aula dictæ Domûs Manſionalis ad dictam Rectoriam ſpectan.' (Anglicè *the Hall*) in quatuor partes Anglicè *Rooms* (ſcilicet duas Cameras, Anglicè *two Upper Rooms or Chambers*, & duo ſpacia Inferiora, Anglicè *two Lower Rooms*,) ædificetur & convertatur. Nos igitur Judicium dictorum Commiſſariorum ſequentes, Licentiam, Facultatem, pariter & Authoritatem, Tibi (quantum in nobis eſt, & Jura Regni in eâ parte patiuntur, & non aliter neque alio modo) damus, concedimus, & confirmamus, ut eas partes Domûs & Ædificiorum, & Ædificium vulgo vocatum *the Vicaridge-houſe*, in prædicto Certificatorio reſpectivè contenta & ſpecificata, quæ dicti Commiſſarii noſtri diruenda & demolienda eſſe Certificant, diruere, demolire, & penitùs amovere (modò tamen Materies quæ ex ruinis & demolitionibus hujuſmodi ſuperfuerint, ad reparationem Ædificiorum in dicto Certificatorio mentionatorum, ac Reliquarum Domorum & Ædificiorum ad dictam Rectoriam de *Cliffe* prædict.' ſpectantium, & non ad alios uſus, applicentur) liberè, licitè, & impunè valeas & poſſis; aliquâ Ordinatione, Canone, vel Conſtitutione Eccleſiaſticis, in contrarium facien.' non obſtantibus: Alias verò partes Ædificiorum prædictorum, quas dicti Commiſſarii noſtri in dicto Certificatorio reformandas, reparandas, ſuſtinendas, &

—Licence is granted to demoliſh, and build, according to the tenor of the ſaid Return.

ſuſtentandas eſſe etiam certificant, reformare, reparare, ſuſtinere, & ſuſtentare; & Aulam prædictam (Anglicè *the Hall*) in quatuor partes Anglicè *Rooms* (ſcilicet duas Cameras, Anglice *two Upper Rooms or Chambers*, & dua ſpacia inferiora, Anglicè, *two Lower Rooms*,) ædificare, & convertere; ſecundùm Ordinationes, Canones & Conſtitutiones Eccleſiaſticas, teneberis: Et ut de & ſuper præmiſſis, Nos vel Vicarium noſtrum in Spiritualibus Generalem, circa vel ante Feſtum Sancti *Michaelis* Archangeli jam prox.' futur.' debitè & authenticè certifices, ſeu certificari facias. In cujus Rei Teſtimonium, Sigillum (quo in hac parte utimur) præſentibus apponi fecimus. Dat.' viceſimo ſecundo die menſis Maii, Anno Domini, milleſimo ſexcenteſimo ſeptuageſimo nono, Noſtræque Conſecrationis Anno ſecundo. *1679.*

SECT. VIII.

INSTITUTION *and* INDUCTION.

PATRONAGE.

I. *Commiſſio in Cauſâ Juris Patronatûs.*

Recites — The Diſpute concerning the Right of Patronage,

THOMAS Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, ad quem omnis & omnimoda Juriſdictio Spiritualis & Eccleſiaſtica, quæ ad Epiſcopum Menevenſem Sede plenâ pertinuit, ipſâ Sede jam vacante, notoriè dignoſcitur pertinere, Dilectis Nobis in Chriſto, Edmundo Meyrick Clerico, Artium Magiſtro, Theſaurario Eccleſiæ Cathedralis Menevenſis, & Præcentori Eccleſiæ Collegiatæ de Bræcon', Diœc.' Meneven', & Gulielmo Powell, Artium Magiſtro, Præbendario Eccleſiæ Collegiatæ Bræcon', Salutem, & Gratiam. Ad Eccleſiam Parochialem de Meliney Diœc.' Meneven', noſtræque Cantuarienſis Provinciæ, per Mortem naturalem Danielis Lewis Clerici, ultimi Rectoris & Incumbentis ibidem (ut dicitur) vacan', Nobis præſentavit Dilectus Nobis in Chriſto Thomas Bowen de Meliney prædict.' Gen', verus & indubitatus etiam (ut aſſeruit) Patronus dictæ Eccleſiæ Parochialis de Meliney prædict.' Dilectum ſibi in Chriſto Evanum Evans Clericum, à Nobis in ea parte inſtituend': Præſentârunt etiam Dilecti Nobis in Chriſto Thomas Lloyd de Penpedwaſt, in Comitatu Pembrochiæ Armiger, & Anna Lloyd ejus Uxor, veri & indubitati (ut aſſeritur) Patroni dictæ Eccleſiæ Parochialis de Meliney prædict', Dilectum eis in Chriſto Jacobum Williams Clericum, ad eandem Rectoriam & Eccleſiam Parochialem de Meliney prædict', per nos inſtituendum & admittendum: Etiam Nobis præſentârunt Dilecti Nobis in Chriſto Georgius Roch, Georgius Lewis, & alii Parochiani & Inhabitantes de Meliney prædict', & Liberi Tenentes ejuſdem, veri & indubitati (ut dicitur) Patroni dictæ Eccleſiæ Parochialis de Meliney prædict', Dilectum eis in Chriſto Arthurum Jones Clericum, ad dictam Rectoriam & Eccleſiam Parochialem de Meliney prædict', per Nos inſtituendum & admittendum. Unde, ex Aſſertionibus & variis Præſentationibus hujuſmodi, Jus Patronatûs Nobis meritò videtur perplexum, dubium, & incertum: Volentes igitur de veritate ejuſdem Patronatûs per Legitima Juris Documenta indubiè fieri Certiores, cupientes quoque ſummopere Juſtitiæ Complementum partibus prædictis, uti ex debito Officii noſtri tenemur, reddere & miniſtrare, Commiſſionem vobis, de Conſenſu partium prædictarum, ſuper Inquiſitione Juris Patronatûs hujuſmodi, & aliis Articulis merita Cauſæ & Circumſtantias ejuſdem concernen', præſentibus annex' duximus & decrevimus decernendum, Juſtitiâ mediante & ſuadente. Ad inquirend.' igitur Authoritate noſtrâ, in debita Juris Formâ, in Loco Conſiſtoriali in Eccleſiâ Parochiali de Cardigan', Diœc.' Meneven.' prædict', Die Lunæ, decimo ſexto die menſis Octobris prox.' futur', unà cum prorogatione dierum extunc ſequen.' quatenus opporteat, de & ſuper vacatione Eccleſiæ Parochialis de Meliney prædict', in præſentiis dictorum Evani Evans, Jacobi Williams, & Ar-

Teniſon, f. 161, b. &c.

— upon which, a Commiſſion is granted, to Enquire,

& Arthuri Jones, reſpectivè præſentatorum, eiſdem die & loco ad comparend.' & intereſſend.' coram vobis conjunctim & diviſim, aliàs judicialiter monitorum, vocatis ad eundem diem & Locum Thomâ Bowen, Thomâ Lloyd, & Annâ ejus Uxore, necnon Georgio Roch, Georgio Lewis, & aliis Parochianis & Habitantibus de Meliney prædict', ac Liberis Tenentibus ejuſdem, Præſentantibus prædictis, in Specie, ac omnibus & ſingulis aliis Jus vel intereſſe habentibus in hac parte in genere, de & ſuper Articulis præſentibus affixis, & aliis neceſſariis & uſitatis, delucidiorem Cauſæ hujuſmodi veritatem tendentibus, per Sacramentum proborum hominum, tam Clericorum quam Laicorum, in Formâ Juris Jurandorum, fieri volumus Inquiſitionem ſedulam & indagantem; volentes cætera omnia & ſingula per vos diligenter exequi & epiſcari noſtrâ Authoritate, quæ in hac parte neceſſaria, requiſita, aut opportuna fuerint. Ad quæ omnia fideliter & ſagacite peragend', vobis conjunctim & diviſim vices noſtras harum ſerie, unà cum cujuſlibet Coertionis Canonicæ Poteſtate committimus: Voſque Commiſſarios noſtros ad Præmiſſa conjunctim & diviſim præficimus, & conſtituimus per præſentes. Mandando vobis conjunctim & diviſim diſtrictiùs, Quòd dicto Inquiſitionis Negotio exacte peracto & expedito, Nobis, aut Vicario noſtro in Spiritualibus Generali & Officiali Principali, totum & quicquid in eo geſtum & expeditum fuerit per Literas veſtras authenticas, in publicam Formam redactas & clauſas, unàcum præſentibus Literis noſtris Commiſſionalibus, & Articulis prædictis, ac Reſponſionibus ad eoſdem, citra vel ante ſecundam Seſſionem Termini Michaelis prox.' futur', in Communi Aulâ Hoſpitii Dominorum Advocatorum London.' fieri faciatis ſignificatum & intimatum, prout decet. Aſſumpt.' vobis conjunctim & diviſim in Actorum ſcribam in hac Parte quocunque Notario experto, & Partibus prædictis nullo Affectionis Reſpectu ſuſpecto, ſed æquo & indifferente. In cujus Rei Teſtimonium, Sigillum Vicarii noſtri in Spiritualibus Generalis præſentibus apponi fecimus. Dat.' viceſimo ſeptimo 1704. Die Menſis Julii, Anno Domini Milleſimo ſeptingenteſimo quarto, Noſtræque Tranſlationis Anno Decimo.

—and the Return to be made to the Ordinary, or his Vicar General.

II. *Articles of Enquiry.*

I. IMPRIMIS quomodo Eccleſia Parochialis de Meliney infra Diœc.' Meneven.' vacare, & Paſtoris Solatio carere, incepit?

II. Item. Quo Tempore (viz.) quo Anno, Menſe, & Die?

III. Item. Quis vel Qui ultimò præſentavit vel præſentârunt ad eandem?

IV. Item. Quis eſt verus Patronus, vel Qui ſunt veri Patroni, ejuſdem Eccleſiæ?

V. Item. Ad quem vel quos Jus præſentandi ad eandem Eccleſiam Parochialem pro hac vice, & præſenti Vacatione, ſpectat & pertinet?

VI. Item. Quo Jure, quo Titulo, & quâ Ratione, Jus præſentandi pro hac vice ſpectat ad dictos præſentantes, vel eorum alterum, aut ad aliquam aliam perſonam, unam vel plures, exprimendo eorum Nomina & Cognomina, necnon Jus & Titulum ſua hujuſmodi præſentandi?

III. *The Verdict of the Jurors.*

The VERDICT of us whoſe Names are hereunto ſubſcribed, and ſworn to inquire into Right of Patronage to the Rectory and Pariſh Church of *Melyney* in the County of Pembroke in the Arch-Deaconry of Cardigan, within the Dioceſs of St. Davids, to the ſeveral Articles given us in Charge (a Copy of which are hereunto annexed;) agreed upon the ſixteenth Day of October, in the Year of our Lord God one Thouſand ſeven hundred and four.

TO the firſt and ſecond Articles we ſay, That the Rectory and Pariſh Church of *Melyney* aforeſaid, became vacant by the Death of Mr. *Daniel Lewis* Clerke, laſt Incumbent there; who dyed on the thirteenth Day of October in the year of our Lord God one thouſand ſeven hundred and three; and was buried on the ſixteenth Day of the ſaid Month in the Year aforeſaid; as appeared to us by the Regiſter Booke produced in Court.

To the third Article we ſay, That having had no Evidence relating to the ſame, We can ſay nothing thereto.

To the Fourth and Fifth Articles we find, That the Advowſon and Right of Patronage to the ſaid Church of *Melyney* did anciently, and doth at preſent, belong to the Lords of *Reymeys*, and the Right of Preſentation *pro hâc vice* doth belong to *Thomas Lloyd*, Eſq; and to *Anne* his Wife; which ſaid *Anne* is one of the Siſters and Heires of *William Owen* Eſq; deceaſed, late Lord of *Reymeys*.

To the ſixth Article, We find, that by ſeveral antient and late Deeds, and by *Conſtats* produced unto us out of the Regiſter's Office kept for the Dioceſe of St. David, That the Right of Preſentation to the ſaid Rectory of *Melyney* doth undoubtedly belong to the Lords of *Reymeys:* And that nothing has appeared unto us, That either *Thomas Bowen* Gent.' *George Roch* Gent.' or any of the Pariſhioners or Freeholders of the ſaid Pariſh of *Meleyney*, have at preſent, or ever had, any Right to the Patronage of the ſaid Church. In Teſtimony whereof, We have hereunto put our Hands and Seales the Day and Year firſt within written

* Evans Cler.
John Parry Cler.
Edw^{d}. W^{ms} Cler.
Tho. Richards Cler.
John Collins Cler.
William Lewis.
David Morgan Cler.

W^{m}. Scourfeild.
W^{m}. Warren.
Evan Pryce.
Oliver Howells.
David Lenes.
Da. Parry.
Henry Williams.

IV. *Nominatio alteri facta, Qui tenetur Præſentare nominatum.*

Recites, —The Biſhop's Right, and then nominates the Perſon.

ROBERTUS Permiſſione Divinâ London.' Epiſcopus, Dilectis in Chriſto Filiis, Priori & Conventui Sancti Laurentii de Blackmore, Ordinis Sancti Auguſtini, noſtræ Diœceſ.' Salutem, Gratiam, & Benedictionem. Cum Vos, ad Nominationem noſtram, Rectorem qualitercunque præficiend.' in Eccleſia Parochiali omnium Sanctorum de Willinghale dictæ noſtræ Diœceſ.' cum ipſa Eccleſia qualitercunque vacaverit, tenemini præſentare, ac jam dicta Eccleſia vacare dignoſcitur in præſenti; Nos, Dilectum in Chriſto Filium, Dominum Johannem White Preſbyterum, ad præſentandum eundem Nobis ad prædictam Eccleſiam omnium Sanctorum, Vobis per has noſtras Literas nominamus; ſalvâ Vobis & veſtro Prioratui annuâ Penſione quadraginta Solidorum, de Fructibus Eccleſiæ Omnium Sanctorum prædict', Annis ſingulis ad Feſta Purificationis beatæ Mariæ Virginis, & ad Vincula Sancti Petri fideliter perſolvend.' In cujus Rei Teſtimonium, Sigillum noſtrum præſentibus duximus apponend.' Dat.' in Manerio noſtro de Wykham, 15 Die Menſis Januarii, Anno Domini 1398, & noſtræ Conſecrationis Anno 18.

Braybr. f. 170. b.

1398.

V. *Commiſſio ad conferend.' Dignitates, Præbendas, & alia Beneficia, Epiſcopo in remotis agente.*

Cauſes of Abſence.

CUTHBERTUS Permiſſione divinâ London.' Epiſcopus, Dilecto Nobis in Chriſto, Magiſtro Galfrido Wharton Decretorum Doctori, Vicario noſtro in Spiritualibus Generali, Salutem, Gratiam, & Benedictionem. Cum Nos, de Mandato Sereniſſimi Principis ac Domini noſtri, Domini Henrici octavi, Dei Gratia Angliæ & Franciæ Regis, Fidei Defenſoris, & Domini Hiberniæ, in Parte Hiſpaniæ profecturi ſumus, & ibidem ex vereſimili per aliquod tempus commorari & abeſſe deſignamus; Ad conferend.' igitur quaſcunque Dignitates, Canonicatus, & Præbendas, ac alia Beneficia Eccleſiaſtica quæcunque, & qualitercunque fuerint ad noſtram Collationem, ſive pleno Jure, ſive Jure devoluto, aut aliàs qualitercunque Spectantia, & durante Abſentiâ noſtrâ hujuſmodi vacare Contingentia, quibuſcunque Perſonis idoneis, de quibus Tibi magis videbitur expediens, aliaque omnia & ſingula in ea parte neceſſaria, requiſita, ſeu quomodolibet opportuna faciend', exercend', prout & quemadmodum Nos faceremus, ſi perſonalitèr intereſſemus, Tibi, de cujus Probitate & Circumſpectionis Induſtria in hac parte plurimum confidimus, Vices noſtras committimus, ac plenam in Domino concedimus Poteſtatem per præſentes, Sigilli noſtri appenſione communitas. Dat.' in Palatio noſtro London', ultimo Die Menſis Martii, Anno Domini 1535, & noſtræ Conſecrationis tertio.

Commiſſion to Collate.

Tunſtall, f. 11. a.

1535.

VI. *Commiſſio pro Inquiſitione, ante Inſtitutionem.*

Pag. 777.

Upon the Preſentation of a Clerk, for Inſtitution,

FRATER † J. &c. Dilecto Filio Archidiacono Cant.' vel ejus Officiali, Salutem, Gratiam, & Benedictionem. Præſentârunt Nobis dilecti Filii Prior & Conventus de Ledes Ricardum de S. Eadmundo Presbyterum, ad Vicariam Eccleſiæ de Reynham noſtræ Diœceſeos vacantem, & ad ſuam Præſentationem ſpectantem, ut aſſerunt: Rogantes humiliter & devotè, quatenùs eundem Presbyterum ad dictam Vicariam admittere, Caritatis intuitu, dignaremur: Quocircà vobis mandamus, ut, vocatis qui fuerint evocandi,

† Peccham, Regiſtr. f. 53. a.

* Vide pag. 777.

— Commiſſion is iſſued to make the uſual Inquiſition,

— and (all things being found Canonical) to give Inſtitution.

candi, * in pleno loci Capitulo, videlicet à quo tempore, & qualiter, & in quibus conſiſtit, & ad cujus Præſentationem ſpectat ipſa Vicaria, necnon & de aliis Articulis debitis & conſuetis, diligentem faciatis Inquiſitionem. Volentes autem dicto Præſentato gratiam facere ſpecialem, & ejuſdem Laboribus parcere pariter & expenſis, Vobis committimus & mandamus, quatenùs, Inquiſitione hujuſmodi factâ, ſi nihil eidem Presbytero inveneritis obviare de Canonicis Inſtitutis, ipſum in eâdem Vicariâ, vice & auctoritate noſtrâ, Vicarium juxta Lugdunenſe Concilium Inſtituatis, & in ejuſdem Corporalem Poſſeſſionem Inducatis; Contradictores & Rebelles per Eccleſiaſticam Cenſuram compeſcendo. Dat.'
1282. apud Blockele, 7 Kal. Febr. ann. 1282. Ordinationis noſtræ quinto.

Pag. 777, 778.

VII. *Commiſſio pro Inquiſitione, cum Certificatorio.*

* Witleſy: Regiſtr. f. 144. a.

The Perſons Commiſſioned to make the Inquiſition,

REverendiſſimo in Chriſto Patri, ac Domino ſuo, Domino * *Willielmo* Dei Gratia Cantuarienſi Archiepiſcopo, totius Angliæ Primati, & Apoſtolicæ Sedis Legato, ſui humiles & devoti Johannes de *Wyneſton* & Johannes de *Ely*, Eccleſiarum de Trunch & de Acle Norwicen.' Diœceſeos Rectores, Obedientiam, Reverentiam pariter & Honorem, debita tanto Patri. Commiſſionis veſtræ Literas cum eâ qua decuit Reverentiâ recepimus, ſub hâc forma:

— (by which Commiſſion they are required to ſatisfy themſelves, concerning the Right of the Preſentor,

— and the qualifications of the Preſentee,

— and, both being good, to inſtitute and induct :)

Willielmus, Permiſſione divina Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Apoſtolicæ Sedis Legatus, Dilectis Filiis Magiſtris Johanni de *Wyneſton* & Johanni de *Ely*, Eccleſiarum de Trunche & de Acle Rectoribus, Salutem, Gratiam & Benedictionem. Præſentârunt, nobis dilecti Filii Frater Willielmus Prior & Conventus Eccleſiæ Regularis Canonicorum de Hykelyng, Ordinis ſancti Auguſtini Norwicen.' Diœc.' Dilectum ſibi in Chriſto Richardum Goſſelyn de Ereſwelle Clericum, ad Eccleſiam Parochialem de Shippeden, dictæ Norwicenſis Diœceſis vacantem, & ad eorum (ut dicunt) Præſentationem ſpectantem: Quocirca, Vobis, de quorum Circumſpectione & Induſtriâ plenam in Domino fiduciam obtinemus, ad Inquirendum conjunctim vel diviſim, ſeu Inquiri faciendum & demandandum, noſtrâ Authoritate (ſede Norwicenſe jam vacante) de vacatione dictæ Eccleſiæ de Shippeden, & qualiter, & à quo tempore incepit vacare, (vocatis in hâc parte de Jure vocandis) quis vel qui ſit, vel ſint, dictæ Eccleſiæ verus Patronus, ſeu veri Patroni, & ultimò præſentavit ſeu præſentârunt ad eandem; an ſit Penſionar.' vel Porcionar.' & ſi ſit, cui, vel quibus, & in quantum, quantæque æſtimationis exiſtat; de vitâ etiam, moribus, & converſatione dicti præſentati, & an ſit alibi beneficiatus; necnon ſuper omnibus & ſingulis Articulis in hac parte debitis & conſuetis; Et, in eventu quo hujuſmodi Inquiſitio in hac parte capienda, pro dicto plenè faciat præſentato, ad Admittendum illum ad Eccleſiam de Shippeden prædictam, cum omnibus ſuis Juribus & Pertinentiis univerſis; & ipſum Richardum Rectorem Inſtituendum Canonicè in eâdem; Necnon ad Inducendum eundem, ſeu Induci faciendum & demandandum, in Corporalem poſſeſſionem Eccleſiæ antedictæ, ac etiam ad expediendum, exercendum & faciendum omnia & ſingula quæ in præmiſſis & circa ea, aut in hujuſmodi Negotio neceſſaria fuerint vel opportuna, etiamſi Mandatum exigant ſpeciale, Tenore præſentium committimus vices noſtras, & plenam poteſtatem. Et quid in præmiſſis inveneritis & feceritis, Nos, dicto Negotio expedito, Certificetis per veſtras, ſeu Certificet ille veſtrûm qui præſens Mandatum noſtrum fuerit executus, per ſuas Literas Patentes, harum ſeriem continentes, Sigillo auctentico con-
1369. ſignatas. Dat.' apud Saltwode, ſecundo Idus Auguſti, Anno Domini Milleſimo trecenteſimo ſexageſimo nono, & noſtræ Tranſlationis primo.

— Do make Return, that they have accordingly Enquired,

Cujus Authoritate Commiſſionis veſtræ Reverendæ & vigore, vocatis coram nobis in hac parte de Jure vocandis, ſuper omnibus & ſingulis in dictis Reverendiſſimis Literis contentis, ac omnibus aliis Articulis in hujuſmodi Negotio debitis & conſuetis, per viros fide dignos, Clericos & Laicos, juratos, in Eccleſiâ Sancti Edmundi de Fyſsheresgate in Norwico, diligentem & fidelem fecimus Inquiſitionem; videlicet per Dominos, *Willielmum* Rectorem Eccleſiæ Sancti Edmundi prædictæ, Dominos *Bartholomeum Donnyng* de Troheyt, *Thomam Moyſe* de Rollesby, *Johannem* de *Haneworth*, *Richardum Attewode*, Capellanos, *Thomam* de *Surlyngham*, *Johannem* de *Toncester*, *Walterum* de *Lakynghithe*, *Thomam* de *Weſtode*, & *Thomam* de *Belaghe*, Laicos. Qui omnes & ſinguli jurati dicunt, quòd dicta Eccleſia de Shippeden vacat, & incepit vacare ultimo die Junii ultimè præterit.' per mortem Domini *Johannis Wynter*, ultimi Rectoris ejuſdem, qui dicto die diem ſuum clauſit extremum. Dicunt etiam, quòd dicti Prior & Conventus de Hykelyng nunc Præſentantes, ſunt veri Patroni dictæ Eccleſiæ de Shippeden jure Adquiſitionis, & ultimò præſentârunt ad eandem præfatum Dominum Johannem Wynter (ut præmittitur) jam defunctum, jure ſupradicto, pro eo quod dicti Prior & Conventus nuper de Licentiâ Domini noſtri

— and, finding the Title good, and the Clerk Canonical,
— have given Inſtitution and Induction.

Regis perquiſiverunt Advocationem & Jus Patronatûs dictæ Eccleſiæ de Shippeden, cum ſuis pertinentiis, de Richardo Filio & Hærede Johannis Brown de Tulington tunc vero dictæ Eccleſiæ Patrono: Non eſt dicta Eccleſia Penſionaria neque Porcionaria; eſt autem æſtimationis duodecim Marcarum. De Clerico verò Præſentato ad eandem, dicunt, quòd eſt Vir bonæ vitæ & laudabilis, Converſationis honeſtæ, Liber & Legitimus, ætatis viginti quinque annorum, primam habens tonſuram clericalem: Non eſt alibi beneficiatus: Nullum verò aliud Canonicum obviat hujuſmodi præſentantibus ſeu præſentato, quod ſciunt, ut dicunt. Et quia Nos Commiſſarii antedicti, tam per dictam Inquiſitionem, quàm per alia Inſtrumenta & Munimenta tunc ibidem exhibita, comperimus ipſos Religioſos viros præſentantes fuiſſe & eſſe veros Patronos dictæ Eccleſiæ, & in poſſeſſione præſentandi ad eandem, dictúmque Præſentatum per omnia habilem & idoneum ad hujuſmodi Eccleſiam obtinendam, ipſum Rectorem, authoritate quâ ſuprà, ad dictam Eccleſiam de Shippeden, ad præſentationem dictorum Prioris & Conventûs, Admiſimus, & ipſum Rectorem Canonicè Inſtituimus in eâdem, ac in poſſeſſionem dictæ Eccleſiæ de Shippeden, Jurium & Pertinenciarum ejuſdem, Induci mandavimus & fecimus Corporalem. In quorum omnium Teſtimonium, has Literas noſtras Certificatorias, hujuſmodi Proceſſum noſtrum continentes, veſtræ Reverendiſſimæ Paternitati tranſmittimus patentes, ſigillo Officialitatis Domini Archidiaconi Norwici conſignatas. Dat.' Norwici, decimo ſexto Die Auguſti, Anno Domini milleſimo trecenteſimo ſexageſimo nono. 1369.

VIII. *Collatio Eccleſiæ per Lapſum, eò quòd Patroni Inhabilem præſentârunt.*

Recites — That an unworthy Perſon was Preſented by the Religious,
— and a Collation by the Biſhop, in virtue of the Lapſe.

UNIVERSIS Sanctæ Matris Eccleſiæ Filiis, ad quos præſentes Literæ pervenerint, Nichus Permiſſione Divinâ Wynton.' Eccleſiæ Miniſter, Salutem in Domino ſempiternam. Noverit Univerſitas veſtra, quòd nos Eccleſiam de Langeditton, quæ eſt de Patronatu Religioſorum Virorum Prioris & Conventûs de Merton, cujus Collatio Auctoritate generalis Concilii ad nos fuerit devoluta, eò quod iidem Religioſi inhabilem nobis præſentârunt ad eandem, Dilecto nobis in Chriſto Magiſtro Hugoni Tripatri Clerico noſtro, cum omnibus ad eandem ſpectantibus, caritatis intuitu contulimus; Ipſumque Rectorem Canonicè inſtituimus in eadem, ſalvâ dictis Religioſis annuâ Pencione xx Sol.' debitâ de eadem. In cujus Rei Teſtimonium &c. Dat.' apud Eſſer, ſeptimo Kalend.' Februar', Anno Domini M°. CC°. lxxix°. Pontiſera, Wint. f. 2. 1279.

IX. *Breve Regis Archiepiſcopo, ad inquirend.' de inhabilitate præſentati ad Eccleſiam in Diœceſi Norwicen.'*

Recites, — That the Biſhop refuſed a Clerk for inſufficiency,
— whereupon a Writ goes to the Archbiſhop to Examin the Perſon,
— and to make a Return.

EDWARDUS Dei Gratia Rex Angliæ, Dominus Hiberniæ, & Dux Aquit', Venerabili in Chriſto Patri R, eadem Gratiâ Archiepiſcopo Cantuarienſi, totius Angliæ Primati, Salutem. Cum Johannes Epiſcopus Norwicen', nuper in Curia noſtra coram Juſtitiariis noſtris apud Ebor', ſumonitus eſſet ad reſpondendum Priori de Lewes, de placito, quare cum præfatus Prior idoneam Perſonam, ſcilicet quendam Magiſtrum Reginaldum de Dydelinge Clericum ſuum, ad Eccleſiam Beatæ Mariæ de Feltwelle vacantem, & ad . . . ſuam, ut aſſeritur, Donationem ſpectantem, præfato Epiſcopo præſentâſſet, idem Epiſcopus Perſonam illam, ad Præſentationem prædicti Prioris, ad prædictam Eccleſiam admittere recuſavit, ac prædictus Epiſcopus veniſſet in eadem Curia noſtra, & dixiſſet, quòd prædictum Reginaldum ad prædictam Eccleſiam admittere non potuit, nec debuit, eò quod idem Magiſter Reginaldus inhabilis eſt ad quodlibet Beneficium Eccleſiaſticum optinendum, cujus Cauſæ Cognitio ad forum ſpectat Eccleſiaſticum, per quod vobis mandaverimus, quòd, convocatis coram vobis ad hoc convocandis, Rei Veritatem ſuper idoneitate Perſonæ prædictæ diligenter inquireretis, Et quid inde inquiſiviſſetis conſtare faceretis Juſtitiariis noſtris apud Eboracum, in Octabis Sancti Michaelis proximò præteritis, per Literas veſtras patentes; Vos eoſdem Juſtitiarios noſtros hucuſque certiorare diſtuliſtis, nec breve noſtrum, quod vobis inde venit præfatis Juſtitiariis noſtris apud Eboracum, ad diem illum retornare non curâſtis, prout vobis Mandatum fuit, de quo miramur quamplurimùm & movemur: Et ideo vobis mandamus, ſicut alias vobis mandavimus, quòd convocatis coram vobis ad hoc convocandis, Rei Veritatem ſuper Idoneitate prædictæ Perſonæ diligenter inquiratis, & ſi idoneus non ſit, in quo vel in quibus idoneus non fuerit; Et quid inde inquiſieritis conſtare faciatis Juſtitiariis noſtris apud Weſtm', in Octabis Sancti Hillarii, diſtinctè & apertè per Literas veſtras Patentes. Sic vos gerentes in præſenti mandato noſtro exequendo, ne ob Defectum veſtri graviter ad vos capiamus: & habeatis ibi hoc breve. T. R. de Hengham apud Eboracum, 26 Die Octobris, Anno Regni noſtri triceſimo ſecundo. Trin. ultimo lxxix. Roth. Winc. f. 297. a.

Inquiſivimus de Inhabilitate Magiſtri Reginaldi de Dydilinge Clerici, de quo in breve Regio fit mentio, & invenimus quòd inhabilis eſt ad quodlibet Beneficium Eccleſiaſticum optinendum, ut patet per Literas noſtras patentes ſuper hoc vobis directas.

The Return.

X. *Significatio Patrono ſuper Inhabilitate Clerici præſentati.*

1566. Die Lunæ, ſcilicet 18 Die Menſis Novembris 1566, coram Reverendo Patre Domino Edmundo London' Epiſcopo, in Ædibus ſuis infra Palatium ſuum Epiſcopale London', in Præſentia mei Willielmi Blackwell Notarii Publici &c.

Huick, Vic. Gen. p. 148. b.

Officium Domini contra Johannem Gage Clericum. QUO Die comp^{t}. Johannes Gage Clericus, & exh^{t}. Præſentationem Vicariæ de magna Badow London.' Dioceſ.' præſentat.' ad eandem per Magiſtrum Johannem Paſcall, verum, ut dicitur, Patronum ejuſdem Vicariæ; quem quidem Johannem Gage dictus Reverendus Pater in propria ſua Perſona examinavit, & eidem initium quint.' Capitis Divi Pauli ad Galathas, ad interpretand.' Anglicè, & aliquid de Senſu exponend', propoſuit; quam quidem examine dictus Reverendus Pater comperit, quòd dictus Johannes Gage neque grammaticalem Senſum Loci prædict.' reddere potuit, neque Senſum aliqu.' Literarum ejuſdem textûs Scripturæ exponere potuit: Unde dictus Reverendus Pater, dictum Johannem Gage inidoneum ad Curam Animarum in dicta Vicaria ſuſcipiend.' judicavit, atque eundem ut inſufficientem rejecit, & decrevit intimat.' fiend.' Patrono, juxta debit.' Juris formam &c.

The Perſon preſented, is Examin'd by the Biſhop,

— and pronounced unfit for the Cure of Souls.

XI. *Commiſſio Epiſcopo ad Ordinandum & Inſtituendum in quocunque Loco infra Provinciam.*

Bancroft, f. 167, b.

RICHARDUS Providentia Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, venerabili Confratri noſtro Domino Georgio, eadem Providentia Coven.' & Lichen.' Epiſcopo, Salutem, & Fraternam in Domino Charitatem. Ut quoſcunque Subditos Domini noſtri Regis, in vitæ honeſtate, morum probitate, & ſacrarum Literarum eruditione inſignitos, & in ea parte ſufficienter dimiſſ.' ad ſacros Diaconatûs & Presbiteratûs Ordines, in quacunque Eccleſia ſive Capella, per Provinciam noſtram Cantuarienſem ubilibet conſtitutam admittere & promovere, quocunque Die Dominico ſive Feſtivo, juxta Canones & Morem & Ritum Eccleſiæ Anglicanæ in ea parte pie & ſalubriter edit', ordinat', & ſancit'; ac hujuſmodi Clericis Manus veſtras imponere, necnon quoſcunque Clericos (ſic ut præmittitur) ſufficienter munitos, ad quæcunque Beneficia Eccleſiaſtica veſtræ Coven.' & Lichen.' Dioceſ.' ad quæ ipſi Fraternitati veſtræ legitimè præſentari contigerint, in quocunque Loco infra dictam Provinciam noſtram Cantuarienſem, ac extra veſtram Dioceſin Coven.' & Lichen.' prædict', admittere, ac in eodem inſtituere & legitimè inveſtire, cæteraque omnia & ſingula alia facere, exercere, & expedire, quæ in præmiſſis & circa ea neceſſaria fuerint, ſeu quomodolibet opportuna, liberè & licitè poſſis & valeas, Licentiam & Facultatem noſtras Fraternitati veſtræ benignè concedimus & impertimur per præſentes. In cujus Rei Teſtimonium, Sigillum quo in hac parte utimur præſentibus apponi fecimus. Datum ſeptimo Die Menſis Decembris, Anno Domini Milleſimo ſexcenteſimo nono, & noſtræ Tranſlationis Anno quinto. 1609.

Archbiſhop's Licence to a Biſhop, to ordain in any Part of the Province,

— and alſo to inſtitute.

XII. *Licentia Epiſcopo Lincoln.' ad inſtituendum Clericum ad Beneficium infra Diœceſin Lincoln.' ſe exiſtente infra Civitatem London.'*

2 Stanh. Vic. Gen. 24, b.

JOHANNES Permiſſione Divinâ London.' Epiſcopus, Dilecto Nobis in Chriſto Confratri noſtro, Reverendo in Chriſto Patri, Domino Gulielmo Permiſſione Divinâ Lincoln.' Epiſcopo, Salutem in Domino. Ut Literas præſentatoriales Regias, ſub magno Sigillo Angliæ Communitas, de Perſona *Zachariæ* Soddell Clerici, in Artibus Baccalaurei, ad & in Rectoriam Eccleſiæ Parochialis de Blaby veſtræ Lincoln.' Diœceſ.' per mortem ultimi Incumbentis ibidem vacan.' factas & conceſſas, & Paternitati veſtræ præſentatas, admittere, eundemque Zachariam Soddwell Clericum, Vigore earundem, ad & in eandem Rectoriam de Blaby admittere & inſtituere, ac Loci illius Ordinario pro ejus Inductione ſcribere, caſu quo Paternitati veſtræ hoc viſum fuerit, non obſtante quòd in præſenti ſis extra Diœceſ.' veſtram, & reſiden.' facias infra Diœceſ.' noſtram London', poſſitis & valeatis, ſub mutuo viciſſitudinis obtentu, atque in Juris Subſidium, Licentiam

The Biſhop of Lincoln empower'd to inſtitute &c,

— tho' reſiding within the Dioceſe of London.

noſtram Epiſcopalem damus & concedimus per præſentes: ſperan.' quòd in Re conſimili Authoritatem & Vices veſtras impoſterum, ſi opus fuerit, nobis dignemini cum Favore, Sigillo Vicarii noſtri in Spiritualibus Generalis, quo utimur in hac parte, ſigillat. Dat.' viceſimo quarto Die Menſis Martii, Anno Domini, juxta Curſum & Computationem Eccleſiæ Anglicanæ, 1590, noſtræque Conſecrationis Anno 15. Will. Blackwell. 1590.

XIII. *Commiſſio ad admittendum & inſtituendum.*

Recites—The Vacation of the Benefice,

Whitgift p. 1. fol. 388. b.

—and Preſentation to it.

Commiſſion to Examin, tender Oaths, receive Subſcriptions, and to admit and inſtitute.

JOHANNES, Divinâ Providentiâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, ad quem omnis & omnimoda Juriſdictio Spiritualis & Eccleſiaſtica quæ ad Epiſcopum Sarum, Sede plenâ, pertinuit, ipſâ Sede jam vacante notoriè dignoſcitur pertinere; Dilectis nobis in Chriſto *Anthonio Rudd*, Sacræ Theologiæ Profeſſori, Decano Eccleſiæ Cathedralis Glouceſtriæ, & *Johanni Sprint*, Sacræ Theologiæ Profeſſori, Archidiacono de Northwilts, Salutem & Gratiam. Cùm (uti ex Fide digna Relatione accepimus) Eccleſia Parochialis de *Mannyngforde Bruce*, Dioceſ.' Sarum prædict', noſtræque Cantuarienſis Provinciæ, jam diu per liberam & ſpontaneam Reſignationem *Samuelis Hitches* Clerici, ultimi Incumbentis, vacaverit, & vacet in præſenti; ad quam quidem Eccleſiam Parochialem ſic vacantem, quidam Johannes Mortimer Clericus, per Robertum Nicholes de Brokenborough in Comitatu Wilts Generoſum, ipſius Eccleſiæ parochialis verum & indubitatum (ut dicitur) Patronum, præſentatus extitit. Ad admittendum igitur præfatum *Johannem Mortymer* ad dictam Eccleſiam parochialem de *Manyngforde Bruce*, ſic (ut præmittitur) vacantem, modò eum habilem & idoneum moribus, ætate, & literaturâ inveneritis, aut veſtrum alter invenerit, ipſum in Eccleſiâ Parochiali prædictâ, cum ſuis Juribus & Pertinentiis univerſis, ritè & Canonicè inſtituendum, ac in realem, actualem & corporalem Poſſeſſionem ejuſdem, Juriúmque & pertinen.' ſuorum univerſorum, induci mandandum & faciendum, Curamque & Regimen Animarum Parochianorum ibidem eidem *Johanni Mortimer* in Domino committendum, Necnon Juramentum, tam de agnoſcendo Regiam ſupremam Poteſtatem in Cauſis Eccleſiaſticis & Temporalibus, ac de renunciando, recuſando, & refutando omnem & omnimodam Juriſdictionem, Poteſtatem, Authoritatem, & Superioritatem foraneas, juxta vim formam & effectum Statuti Parliamenti hujus inclyti Regni Angliæ in eâ parte editi & proviſi, necnon de Canonicâ Obedientia nobis & Succeſſoribus noſtris, ac Loci Ordinario pro tempore exiſtente, in omnibus licitis & honeſtis mandatis per ipſum præſtandâ & exhibendâ, quam etiam quodcunque aliud Juramentum licitum & honeſtum, ac de Jure, Legibus & Statutis hujus inclyti Regni Angliæ in ea parte requiſitum ab eodem *Johanne Mortimer*, vice & auctoritate noſtris, recipiendum & admittendum, necnon eundem *Johannem Mortimer* Articulis de quibus in Synodo communi Aſſenſu Archiepiſcoporum, Epiſcoporum, & Cleri utriuſque Provinciæ Cantuarienſis & Eboracenſis conſenſum eſt, Anno Domini, juxta Computationem Eccleſiæ Anglicanæ, Milleſimo quingenteſimo ſexageſimo ſecundo, ad tollendam Opinionum Varietatem, & confirmandam veram, uniformam Chriſti Religionem, regia Auctoritate & Aſſenſu publicatis, Manu ſuâ propriâ in Præſentia veſtra, aut alterius veſtrûm, ante Admiſſionem ſuam ſubſcribere, & Aſſenſum ſuum eis præbere, vice & auctoritate noſtris videndum, Literáſque Teſtimoniales eidem *Johanni Mortimer* deſuper, ſi opus fuerit, faciendum & concedendum, cæteraque omnia & ſingula alia facienda, exercenda, & expedienda, quæ in Præmiſſis aut circa ea neceſſaria fuerint ſeu quomodolibet requiſita; Vobis conjunctim & diviſim vices noſtras committimus, & plenam in Domino Tenore præſentium concedimus Poteſtatem: Volentes quòd de omni eo quod in Præmiſſis feceritis, Nos, aut Vicarium noſtrum in Spiritualibus generalem, & officialem principalem, vel alium Judicem in hac parte competentem quemcunque, citra Feſtum ſive Diem ultimum Aprilis prox.' futurum poſt datam præſentium, ſub Formâ auctenticâ Clauſ.' certiores facere curetis, prout decet. Salvis tamen & reſervatis nobis & Officiariis noſtris, omnibus & ſingulis Commoditatibus, proficuis & Emolumentis quibuſcunque, Ratione Admiſſionis, Inſtitutionis, & Inductionis hujuſmodi, quoquo modo debitis & competentibus; præſentibus Literis noſtris Commiſſionalibus, aut contentis in eiſdem, in aliquo non obſtante. In cujus Rei Teſtimonium, Sigillum quo in hac parte utimur, præſentibus apponi fecimus. Datum octavo Die Menſis Martii, Anno Domini, juxta Computationem Eccleſiæ Anglicanæ, 1588, Et noſtræ Tranſlationis Anno ſexto. 1588.

Retnrn to be made to the Ordinary, or his Vicar General,

—and Reſervation of Profits to the proper Officers.

XIV. *Commiſſio ad Inſtituendum, ubi Epiſcopus differt.*

1 Arundel, f.266. a.

REverendiſſimo in Chriſto Patri ac Domino ſuo, Domino Thomæ Dei Gratia Cantuarien.' Archiepiſcopo, totius Angliæ Primati & Apoſtolicæ Sedis Legato, ſuus humilis & devotus Filius Johannes Judde, Decretorum Doctor, Rector Eccleſiæ parochialis de Conyngton Elien.' Dioceſ.' Obedientiam & Reverentiam tanto Patri debit.' cum Honore. Literas veſtras Reverend.' nuper recepi, Tenorem qui ſequitur continentes.

The Return recites the Archbiſhop's Commiſſion,

Thomas Permiſſione Divinâ &c. Dilectis Filiis, Magiſtris Johanni Judde Decretorum Doctori, & Thomæ Sprot in Legibus Baccalaureo, Eccleſiarum parochialium de Conyngton & Burwell, Elien.' & Norwicen.' Dioceſ.' Rectoribus, Salutem, Gratiam & Benedictionem. Ex Parte diſcreti Viri Thomæ Riſpham Clerici, ad Eccleſiam Parochialem de Reymerſton dictæ Norwicen.' Dioc.' ut aſſeruit, præſentati, Nobis extitit intimatum cum Querela, quòd licet idem Thomas Riſpham fuerit & ſit ad dictam Eccleſiam de Reymerſton vacantem, per veros ejuſdem Eccleſiæ Patronos, & in Poſſeſſione præſentandi ad eandem bona Fide exiſtentes, Venerabili Confratri noſtro Domino Henrico Dei Gratia Norwicen.' Epiſcopo, Loci Dioceſano, Canonicè præſentatus, fueruntque hujuſmodi Præſentationis Literæ eidem Venerabili Confratri noſtro, per Partem ejuſdem Thomæ præſentati, congruis Loco & Tempore debite traditæ & præſentatæ, cujus Prætextu Præſentationis, idem Confrater noſter de & ſuper Vacatione prædictæ Eccleſiæ de Rymerſton, ac Jure præſentantium, meritiſque ipſius præſentati ad eandem, ac aliis Articulis in ea Parte debit.' & conſuetis, per Partem præfati Thomæ præſentati debite requiſitus, inquirendum per Archidiaconum Loci in pleno Loci Capitulo ad hoc celebrando fore decrevit & mandavit inquiri, inquiſitioque prædicta fecit ac facit in omnibus & per omnia pro eodem Thoma præſentato memorato, & quanquam per Inquiſition.' hujuſmodi de Vacatione ipſius Eccleſiæ de Rymerſton, Jureque præſentantium, ac meritis ipſius Thomæ præſentati, necnon & de aliis Articulis in ea Parte debitis & conſuetis, dicto Confratri noſtro ſufficienter conſtabat & conſtat ad plenum, eidemque Thomæ præſentato antedicto nichil obviavit aut obviat de Canonicis inſtitutis, quominùs ad dictam Eccleſiam de Rymerſton admitti, & Rector in eadem Canonicè inſtitui deberet; idem tamen Venerabilis Confrater noſter ipſum Thomam, ut præmittitur, præſentatum ad dictam Eccleſiam parochialem de Rymerſton, admittere & Rectorem inſtituere Canonicè in eadem, per partem ipſius Thomæ præſentati, cum Inſtantia debita congruis Loco & Tempore legitime requiſitus non curavit, ſed, abſque Cauſa rationabili ſeu legitima quacunque expreſſe recuſavit, ſeu plus debito diſtulit & differt adhuc in præſenti minùs juſtè, tam ex Officio ſuo pretenſ.' quam ad Inſtantiam & Procurationem cujuſdam Johannis Skyllynges Subdolas & Injuſtas, in ipſius Thomæ præſentati prædicti Prejudicium non modicum & Gravamen; quare idem præſentatus, ex Præmiſſis Gravaminibus & eorum quolibet, & propter ea, ſenciens ſe indebitè prægravari, ab eiſdem Gravaminibus & eorum quolibet, ad Curiam & Audientiam noſtram ſub Manu publica Magiſtrorum Roberti Foxton & Thomæ Burneby Notariorum Publicorum, in debita Juris Forma appellavit: Ad cognoſcend.' igitur & procedend.' in Cauſa & Cauſis Appellationis hujuſmodi, ipſiſque veris per vos inventis, pro Juriſdictione noſtra in ea parte pronunciand', vocatis primitùs per vos in hac parte de Jure vocandis, & præſertim præfato Johanne Skyllynges nominatim & in Specie, ipſumque Thomam præſentatum ad Eccleſiam de Reymerſton prædict', ſi nichil Canonicum in hac Parte eidem obviet, admittend', Rectoremque in eadem Canonicè inſtituendum eundem, necnon in Corporalem Poſſeſſionem Eccleſiæ de Rymerſton prædict', cum omnibus ſuis Juribus & Pertinentiis univerſis per Archidiaconum Loci induci mandand', cæteraque omnia & ſingula agend', faciend', exercend.' & expediend', cum omnibus ſuis incidentibus, dependentibus, emergentibus & connexis in Præmiſſis, & circa ea, quæ Negotii hujuſmodi Qualitas & Natura exigunt in hac parte & requirunt, vobis, de quorum Fidelitate, Diſcretione & Induſtria ſpecialem in Domino Fiduciam obtinemus, Tenore præſentium conjunctim & diviſim committimus Facultatem, cum cujuſlibet Cohertionis canonicæ & exequendi Poteſtate. Et quid feceritis in Præmiſſis, dicto Negotio expedito, Literis veſtris Patentibus Sigillo authentico conſignatis, Nos curetis reddere certiores, ſeu ſic certificet ille veſtrûm qui Onus noſtræ Commiſſionis præſentis ſuſceperit exequend.' Dat.' apud Lafford, 24 Die Menſis Martii, Anno Domini 1399, Et noſtræ Tranſlationis Anno quarto.—Quarum Auctoritate Literarum in Cauſa & Cauſis Appellationis hujuſmodi, vocatis primitùs præfato Johanne Skyllynges nominatim & in Specie, ac omnibus aliis in hac parte de Jure vocandis publicè & in genere, cognovi & proceſſi; ipſiſque Cauſis per me veris inventis, pro Juriſdictione veſtra in ea parte pronunciavi: Et quia per Cognitionem & proceſſ.' hujuſmodi inveni, pro Jure pæſentantium & meritis præſentati ſufficienter doctum, nichilque obviavit præſentantibus aut præſentato prædictis de Canonicis inſtitutis, ipſum Thomam præſentat.' ad dictam Eccleſiam de Rymerſton in Archidiaconat.' Northfolk Norwicen.' Dioc.'

—ſetting forth the *Querela*, or *Complaint* of a Clergyman, who had tendered a Preſentation to the Biſhop of Norwich,

—upon which, *Inquiſition* was duly made,

—and yet the Biſhop refuſed to inſtitute,

—whereupon the Clerk appealed to the Archbiſhop, who appointed a Commiſſion to enquire,

—and to inſtitute and induct if no Impediment was found.

The Commiſſioners cite all Parties,

—and finding no Impediment, inſtitute and induct.

admiſi, ipſumque Rectorem inſtitui Canonicè in eadem, necnon eundem Thomam, ſic admiſſum & Rectorem inſtitutum, in corporalem Poſſeſſionem ejuſdem Eccleſiæ cum ſuis Juribus & Pertinentiis univerſis, per Archidiaconum Norfolk induci mandavi. In quorum omnium Teſtimonium, Sigillum Officialitatis Elien.' quod ad manus habeo, præſentibus appoſui. Dat.' apud Theford, Norwicen.' Dioceſ.' 2° Die Menſis Aprilis, Anno Domini 1400. 1400.

XV. *Forma Inſtitutionis Antiqua.*

Pag. 810.

After inquiſition, inſtitution given,

* ROBERTUS Permiſſione Divinâ &c. Dilecto Filio Thomæ de Somery, Subdiacono, Salùtem, Gratiam & Benedictionem: Cùm ad Eccleſiam de Stapelherſt noſtræ Diœceſeos, ad quam per Johannem de Somery Patronum ejuſdem, prout per Inquiſitionem inde factam recepimus, Præſentatus exiſtis; Te ad Præſentationem ſupradictam Admittimus, & Rectorem in eâdem Inſtituimus, ac ipſâ Eccleſiâ † per noſtrum Annulum Inveſtimus. In cujus Rei Teſtimonium, &c. Dat.' apud Suthmalling, x° Kalend.' Julii, Anno Domini M° CC° Nonageſimo quinto, Conſecrationis noſtræ primo. 1295.

—*per annulum.*

* Winchelſey Regiſtr. f. 170. a.

† Frequenter, in vetuſtis Regiſtris.

XVI. *Collatio per Lapſum, ſecundùm Concilium Lugdunenſe.*

Pag. 768.

Collation by Lapſe,

FRATER * J. &c. Dilecto Filio Roberto de Meleforde, Subdiacono, Salutem, &c. Meritis tuæ Devotionis & Probitatis, ſuper quibus laudabile tibi Teſtimonium perhibetur, inducimur ut te proſequamur Gratiâ, quæ tibi fore dinoſcitur opportuna. Hinc eſt, quòd Eccleſiam de Kynggeſnode noſtræ Diœceſeos, Patronatûs Religioſorum Virorum Abbatis & Conventûs de Bello, de jure vacantem, & hâc vice ad noſtram Collationem, auctoritate ultimi Lugdunenſis Concilii devolutam, Tibi caritativè conferrimus, cum ſuis Juribus & Pertinentiis univerſis; ac te Rectorem in eadem Canonicè Inſtituimus per præſentes. Cujus Rei Gratiam præſens Scriptura, Sigilli noſtri munimine roborata, omnibus eam inſinuat inſpecturis. Dat.' apud Northemham, 4 Kal.' Januar.' Anno Dom. 1280. Conſecrationis noſtræ ſecundo. 1280.

—purſuant to the Rule in the Council of Lions.

* Peccham; Regiſtr. f. 49. a.

XVII. *Inſtitutio per Archiepiſcopum, Ratione Negligentiæ Epiſcopi.*

Archbiſhop recites, that the Biſhop of Chicheſter had refuſed to give Inſtitution,

MATTHEUS Divinâ Providentiâ Cantuarien.' Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto nobis in Chriſto, Franciſco Cox Clerico, Salutem, Gratiam & Benedictionem. Ad Vicariam perpetuam Eccleſiæ Parochialis de Northmundham, Ciceſtrenſis Dioc.' noſtræque Cantuarienſis Provinciæ, modò legitimè vacantem, ad quam per Alexandrum Nowell Clericum, Decanum Eccleſiæ Cathedralis Divi Pauli London', ac Joannam Nowell ejus Uxor', dictæ Vicariæ veros & indubitatos, ut dicitur, Patronos, Venerabili Confratri noſtro Domino Ciceſtren.' Epiſcopo, Loci illius Ordinario & Diœceſano præſentatus extitiſti, Te, Jure ad Nos, per Negligentiam dicti Confratris noſtri, non curantis Te juxta Literas Præſentationis dicti Alexandri Nowell & Joannæ Uxoris ejus, ac Monitionem noſtram ſibi in hac parte reſpectivè factas, ad eandem Vicariam perpetuam admittere, ac Vicarium perpetuum ejuſdem inſtituere, & nullam Cauſam ſufficientem, quare Nos Præſentationem de Perſona tua, ut præmittitur, factam admittere, ac Te Vicarium perpetuum ejuſdem, ac in & de eadem inſtituere cum ſuis Juribus & Pertinentiis univerſis non deberemus, in Termino ſibi præfixo allegantis, hac vice legitimè devolut', in pænam contumac.' dicti Confratris noſtri admittimus; Teque, primitùs non ſolùm de continuè & perſonalitèr reſidendo in eadem Vicaria perpetua, juxta Conſtitutiones in ea Parte editas & proviſas, ac Canonicâ Obedientiâ Nobis & Succeſſoribus noſtris, & Loci Ordinario pro Tempore exiſtenti, in omnibus licitis & honeſtis Mandatis per Te præſtandá & exhibendâ, verum etiam . . . . . de renunciando, refutando & recuſando omnem & omnimodam Poteſtatem, Auctoritatem, Juriſdictionem, & Superioritatem foraneas, ac de recognoſcendo Regiam Supremam Poteſtatem in Cauſis Eccleſiaſticis & Temporalibus, juxta Vim, Formam & Effectum Statuti Parliamenti hujus inclyti Regni Angliæ in ea parte editi & proviſi, ad ſancta Dei Evangelia rite juratum, Vicarium perpetuum ejuſdem, ac in & de eadem inſtituimus Canonicè, & inveſtimus, cum ſuis Juribus & Pertinentiis univerſis: Curam & Regimen Animarum Parochianorum ibidem tibi in Domino committentes, & committimus: Juribus noſtris Archiepiſcopalibus, & Eccleſiæ noſtræ Cathedralis & metropolitices Chriſti Cantuarien', necnon Eccleſiæ Cathedralis Ciceſtren', Dignitatibus & Honoribus in omnibus ſemper ſalvis. In cujus Rei Teſtimonium, Sigillum noſtrum præſentibus apponi fecimus. Dat.' in Manerio

2 Park. f. 98, b.

—and having a Time prefixed to ſhew Cauſe, had not done it,

—and therefore is inſtituted by the Archbiſhop,

noſtro

1574. noſtro de Lambeth, primo die Menſis Aprilis, Anno Domini Milleſimo ——— quingenteſimo ſeptuageſimo quarto, & noſtræ Conſecrationis Anno decimo. Scriptum fuit Archidiacono Ciceſtren.' ſeu ejus Officiali &c. necnon univerſis & ſingulis Rectoribus &c.

Memorandum, quòd Cauſa *duplicis Querelæ*, propter non Admiſſionem dicti Franciſci Cox per Ordinarium Loci, diſcuſſa extitit in Curia Audientiæ Cantuarien.'

—purſuant to a Sentence upon a *double Quarrel.*

XVIII. *Actus ad majorem Cautelam, expedit.' ſuper Admiſſione Clerici iterùm ad Eccleſiam.*

Grind. f. 252, b.

DIE Veneris ſeptimo (ſcilicet) Die Menſis Januarii, Anno Domini, juxta curſum & computationem Eccleſiæ Anglicanæ 1590, coram Reverendo Patre Domino Johanne London.' Epiſcopo, infra Manerium ſuum de Fulham, in Præſentia Richardi Goodman Notarii Publici ſpecialitèr aſſumpti; Negotium Admiſſionis ſive Inſtitutionis Willielmi Aſhebolde Clerici, Artium Magiſtri, ad Rectoriam Sancti Petri in Cornhill Civitat.' London.'—Quibus Die & Loco, comparuit perſonalitèr Magiſter Gulielmus Aſhebolde Clericus, A. M. & ex ſuperabundanti & ad majorem Cautelam, Animo confirmandi, corroborandi & duplicandi jus, titulum, intereſſe & poſſeſſionem ſuam in Rectoria Sancti Petri in Cornhill Civitat.' London', exhibuit Literas Præſentationis Sereniſſimæ Dominæ noſtræ Elizabethæ, nunc Reginæ Angliæ, &c. de perſonâ ad dictam Rectoriam Eccleſiæ parochialis Sancti Petri in Cornhill Civitat.' London.' factas, & magno Sigillo Angliæ ſigillatas, & humilitèr petiit ſe ad eandem, ex ſuperabundan.' & ad majorem cautelam, admitti, ac in eâdem cum ſuis Juribus, Membris, & Pertinentiis univerſis inſtitui canonicè & inveſtiri; Curamque & Regimen Animarum parochianorum . . . . . ejuſdem Parochiæ in Domino ſibi committi. Unde dictus Reverendus Pater, ad ejus humilem Petitionem, decrevit prout in omnibus eſt per eum petitum. 1590.

The Perſon who had been inſtituted before, produces the Queen's Preſentation *ad Corroborandum,*

—and prays Inſtitution,

—and is inſtituted,

Pag. 814.

XIX. *Forma Inductionis Antiqua.*

† Winchelſea, Regiſtr. f. 170, a.

† ROBERTUS &c. Dilecto Filio, Archidiacono Cantuarienſi, vel ejus Officiali, Salutem, &c. Quia Thomam de Schireburn Capellanum, ad Eccleſiam de Meleton, noſtræ Diœceſeos, per Mortem Thomæ ultimi Rectoris ejuſdem vacantem, ad præſentationem Domini Roberti de Sevamis Militis, patroni Eccleſiæ ſupradictæ, (prout per Inquiſitionem inde factam liquere videtur) Admiſimus, & Rectorem Inſtituimus in eâdem: Vobis Committimus & Mandamus, quatenùs dictum Thomam, ſeu ſuum Procuratorem ejus Nomine, in corporalem poſſeſſionem ejuſdem Eccleſiæ de Meleton, cum ſuis Juribus & Pertinentiis, Inducatis ſeu faciatis Induci; Nos ſuper hoc, cùm congruè requiſiti fueritis, certificantes per veſtras patentes Literas, harum Seriem continentes. Dat.' apud Bocton, iiij° Kal.' Julii, Anno Domini M° CC° Nonageſimo quinto, Conſecrationis noſtræ primo. 1295.

After Inquiſition and Inſtitution,

—iſſues a Mandate for Induction.

XX. *Inductio in Rectoriam.*

TWele, S. T. P. Archidiaconus Archidiaconatûs Colceſtriæ legitime conſtitutus, univerſis & ſingulis Clericis, Vicariis, Capellanis, Curatis & Clericis quibuſcunque, in & per totum Archidiaconatum Colceſtriæ ubilibet conſtitut.' Salutem. Cum Reverendus in Chriſto Pater ac Dominus H. Permiſſione Divinâ London.' Epiſcopus, Dilectum ſibi in Chriſto H. R. Clericum, in Artibus Magiſtrum, ad Rectoriam ſive Eccleſiam parochialem de Langford, in Com.' Eſſexiæ Dioc.' London', noſtrique Archidiaconatûs Colceſtriæ, per Mortem naturalem R. R. Clerici, ultimi Rectoris & Incumbentis ibidem jam vacantem, ad quam per diſcretum Virum M. H. Armigerum, Parochiæ Sancti Petri Pauperis London', verum & indubitatum ejuſdem Rectoriæ pleno Jure (ut aſſeritur) Patronum, ſibi præſentatus extitit, admiſerit, ipſumque de & in eadem, cum ſuis Juribus, Membris & Pertinentiis univerſis, ritè & canonicè inſtituerit & inveſtiverit, uti per alias Literas ſuas Patentes inde factas plenius liquet & apparet, nobiſque in Mandatis dederit ad realiter ipſum inducend.' eadem, vobis conjunctim committimus ac firmitèr injungendo mandamus, quatenus præfat.' H. R. Clericum, ſeu ejus Procuratorem legitimum quemcunque, vice, loco & nomine ſuis, ac pro eo, in realem actualem & corporalem poſſeſſionem dictæ Rectoriæ de Langford in Comitatu Eſſexiæ, & Archidiaconatu prædicto, Juriumque & pertinentium ſuorum univerſorum inducatis & imponatis, ſeu ſic induci & imponi faciatis realiter & cum Effectu. Et quid in Præmiſſis feceritis, nos, vel

Recites—The Biſhop's Inſtitution,

—and grants a Commiſſion to Induct,

—and requires a Return to be made.

Officialem noſtrum, aut alium Judicem in hac parte competen.' (cum ad id debite fueritis requiſit.') debitè certificetis unà cum Præſentibus. Dat.'

DONATIVES.

Pag. 818.

XXI. *Donatio Donativæ.*

A Donative being vacant,

* Parker; Regiſtr. f. 381, a.

*MATTHÆUS, Permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto nobis in Chriſto Johanni Bendall Clerico, Salutem, Gratiam, & Benedictionem. Capellam ſive Donativum de Looſe, Decanatûs de Sutton, noſtræ Cantuarienſis Diœceſis, per Mortem naturalem ultimi Incumbentis in eâdem, jam vacantem & ad noſtram Donationem, Collationem, & liberam Diſpoſitionem pleno jure ſpectan.' Tibi, Charitatis intuitu, Conferimus & Donamus, Teque Curatum ejuſdem (primitùs non ſolùm de Legitimâ & Canonicâ Obedientiâ Nobis & Succeſſoribus noſtris in omnibus licitis & honeſtis Mandatis per te præſtandâ & exhibendâ, verùm etiam de renunciando, refutando, & recuſando omnem & omnimodam Juriſdictionem, Poteſtatem, Authoritatem, & Superioritatem, foraneas, & de recognoſcendo Regiam Supremam Poteſtatem in Cauſis Eccleſiaſticis & Temporalibus, juxta & ſecundùm vim formam & effectum Statuti Parliamenti hujus inclyti Regni Angliæ in ea parte editi & proviſi, ad ſancta Dei Evangelia ritè juratum) Ordinamus, facimus, & conſtituimus, per præſentes: Habendum, tenendum, & gaudendum dictam Capellam ſive Donativum de Looſe tibi præfato Johanni Bendal, durante vitâ tuâ Naturali, unàcum omnibus & ſingulis proventibus, obventionibus, proficuis, Commoditatibus, Decimis, Oblationibus, Domibus, Manſionibus, cæteriſque Juribus & Pertinentiis univerſis quibuſcunque, ad dictam Capellam ſive Donativum quoquomodo ſpectantibus ſive pertinentibus, aut ſpectare vel pertinere debentibus. In cujus Rei Teſtimonium, Sigillum noſtrum præſentibus apponi fecimus. Dat.' in Manerio noſtro de Lambehith, decimo quarto die Menſis Maii, Anno Domini milleſimo quingenteſimo ſexageſimo ſeptimo, & noſtræ Conſecrationis Anno octavo. 1567.

—is conferred by the Patron (the Clerk having firſt taken the Oaths required)

—by way of Grant.

XXII. *Donatio Liberæ Capellæ.*

Donation for Life,

Grind. 186, b.

UNIVERSIS Chriſti Fidelibus ad quos præſentes Literæ pervenerint, Willielmus Kympton, Civis & Aldermanus London', Dominus Manerii de Monckton, aliàs Moncton Hadley, Diœceſis London', Salutem in Domino. Cum Capella libera de Monckton, aliàs Moncton Hadley prædict.' jam vacare, & ad meam Donationem pleno Jure ſpectare dignoſcitur, Noveritis me præfatum Willielmum Kympton, prædict.' Capellam, cum omnibus ſuis Juribus & Pertinentiis univerſis, Dilecto mihi in Chriſto Bernardo Caryer Clerico, probo & literato, dediſſe & conceſſiſſe, pro Termino vitæ meæ, ſi idem Bernardus tamdiu vixerit; ac Tenore præſentium, ipſum Bernardum in corporalem Poſſeſſionem dictæ Capellæ cum Pertinentiis inducere, ſub Conditione, quòd ipſe idem Bernardus Caryer de tempore in tempus Fidelitatem ſuam mihi & heredibus meis præſtiterit, & ſe bene geret vitæ & converſationis, & Sacramenta & Servitia divina bene adminiſtraverit, ut decet, & le Chauncell dictæ Capellæ ſufficientèr, quoties neceſſe fuerit, ſuſtentaverit & reparaverit: & ſub conditione, quòd idem Bernardus Caryer annuatìm mihi & heredibus meis ſolvet, ſeu ſolvi faciat, viginti & ſex ſolidos & octo denarios legalis monetæ Angliæ, pro penſione, prout ex antiquo fuerit conſuetudo; Unde ſex ſolidi & octo denarii pro decimis meis fuerint reſoluti, ut conſuetudo ſimiliter fuit. In cujus Rei Teſtimonium, Sigillum meum præſentibus appoſui. Dat.' quinto Die Menſis Decembris, Anno Regni Dominæ noſtræ Elizabethæ, Dei Gratia Angliæ Franciæ & Hiberniæ Reginæ Fidei Defenſoris &c, decimo octavo, by me William Kympton Alderman. Sealed and delivered in the Preſence of Tho. Peak Scr^{r}, & ex^{r} per me W. Balckwell, & concordat cum Originali.

—and Induction.

XXIII. *Proceſſus Habitus ſuper Eccleſiis & Capellis, quæ prætenduntur eſſe Donativæ.*

Biſhop's Commiſſion to Enquire, by what right ſeveral Churches and

Fox, Winton. l. 4. f. 78.

RICHARDUS Permiſſione Divinâ Winton.' Epiſcopus, Dilectis nobis in Chriſto Magiſtris Waltero Piers Legum Doctori, & Johanni Dodſon in Legibus Baccalaureos, Salutem, Gratiam & Benedictionem. Cùm ſcrutatis Regiſtris noſtris bonæ memoriæ

Domini

Chapels pretend to be *Donative*, and not *Preſentative*, &c.

— Recites — the Grounds of Doubt,

Domini Willielmi Wykeham, quondam Wynton.' Epiſcopi, Predeceſſoris noſtri, Eccleſias parochiales Capellas, in Schedula præſentibus annex.' ſpecificat.' & nominat', infra noſtras Dioceſ.' & Juriſdictionem Winton.' ſit & ſituat', præſentativas predeceſſoribus noſtris fuiſſe, ac Rectores, Capellanos, & Poſſeſſores earundem canonicam Inſtitutionem ab eiſdem Predeceſſoribus noſtris habuiſſe invenerimus, prout per Regiſtrum dict.' noſtri Predeceſſoris evident.' & manifeſtè nobis liquebat & conſtabat, & aliis intueri volen.' liquere poteſt in futur' : Nihilominus, famâ publicâ referen', necnon plurimorum fide dignorum inſinuatione clamoſâ, ad noſtrum pervenit Auditum, Quòd nonnullæ dictarum Eccleſiarum paroch.' & Capellarum prælibatarum nulliter & injuſtè per Patronos earundem donativæ exiſtere prætenduntur, & nonnullæ earundem diruuntur & collapſæ ſunt, ac intollerabilem Ruinam patiuntur, Quæ olim ſufficienter & decenter conſtructæ fuerant, & Deo Altiſſimo dedicatæ, & nonnullæ earundem Eccleſiarum Capellarum hujuſmodi, à Viris Laicis occupantur & detinentur, ac ad uſus prophanos & mundanos illicite, contra canonicas Sanctiones, convertuntur, in dictæ Majeſtatis Offenſam, ac Sacrorum Canonum contemptum, ac Juris, Juriſdictionis, & Libertatis Eccleſiæ Winton', Uſurpationem & Diminutionem non modicam ; Unde nos, volen.' indempnitati Eccleſiæ noſtræ Cathedralis Winton.' ſalubriter providere, ac ſuper Præmiſſis & aliis Articulis inferius deſcriptis certiorari & informari : Ad inquirend.' igitur in pleno Locorum Capitulo, per Clericos & Laicos fide dignos, pleniorem Notitiam Subſcriptorum habentes ; Vocatis primitùs dictarum Eccleſiarum parochialium & Capellarum prædict.' Patronis & Donatoribus, ac donatis Poſſeſſoribus & Occupatoribus, in ſpecie, ac quibuſcunque aliis Jus & intereſſe in eiſdem habentibus, ſeu habere prætendentibus, in genere, an hujuſmodi Eccleſiæ paroch.' & Capellæ vacant', & ſi ſic, quomodo, & quo tempore, & qui, duran.' vacatione earundem, perceperunt Fructus earum, & quo Jure, & qui ſunt earundem Eccleſiarum Patroni & Donatores, & qui eaſdem poſſiderunt, occupaverunt, & tenuerunt, ac occupant, poſſident, & tenent in præſenti ; exprimendo nomina & cognomina ſua, & de Jure eorundem omnium & ſingulorum poſſiden', occupan', & tenen', & an Collatio earum Eccleſiarum & Capellarum hujuſmodi fuerit, & ſit, ad nos, propter negligentiam Patronorum in non præſentando ipſo facto devolut', aut ne ; Et an aliquæ Eccleſiarum & Capellarum prælibatarum fuerunt & ſunt proſtratæ & Collapſæ, & ſi ſic, de Locis in quibus hujuſmodi Eccleſiæ & Capellæ ſitæ & ſituat.' fuerunt, & in cujus poſſeſſione ſive occupatione hujuſmodi loca ſunt, & qui percipiunt Fructus, redditus, & proventus earundem Eccleſiarum & Capellarum ; necnon de vero annuo valore omnium & ſingularum Eccleſiarum Parochialium & Capellarum hujuſmodi, ac de aliis articulis in hujuſmodi negotio neceſſariis & requiſitis ; Cæteraque omnia & ſingula faciend', exercend', & expediend', quæ in Præmiſſis neceſſaria fuerint ſeu quomodolibet opportuna : Vobis, & utrique veſtrûm conjunctim & diviſim, de quorum fidelitate & induſtria plene in Domino confidimus, vices noſtras tenore præſentium committimus, & plenam in Domino concedimus poteſtatem, cum cujuſlibet coercionis canonicæ poteſtate. Mandan.' quatenus negotio hujuſmodi Inquiſitionis expedito, nos, de toto proceſſu coram vobis & veſtrûm utroque, ſive altero, in hac parte habito & facto, per veſtras Literas patentes harum Seriem in ſe continen.' debite & authentice certificetis, & certificet veſtrûm uterque, ſive alter, unà cum nominibus eorum per quos hujuſmodi Inquiſitio capt.' fuerit. In cujus Rei Teſtimonium, Sigillum noſtrum præſentibus appoſuimus. Dat.' in Caſtello noſtro de Farneham, xij° Die Menſis Octobris, Anno Domini milleſimo quingenteſimo xx^{mo}, & noſtræ Tranſlationis Anno viceſimo. Eccleſiæ & Capellæ vacan', quæ olim fuerunt præſentativæ, ac habuerunt Inſtitutionem à Predeceſſoribus noſtris Winton.' Epiſcopis. In primis Cantaria Capellæ de Woditon in Inſula vecta, cujus Dominus Johannes de Iſle erat Patronus. Item Eccleſia parochialis de Pitillworth, cujus Thomas Kynne erat Patronus, & nunc Thomas Uvedale eſt Patronus, quam Eccleſiam poſſidet Magiſter Radulphus Hopwode, Virtute Donationis dicti Thomæ Uvedale, licet Predeceſſor ipſius Magiſtri Radulphi inſtitutus fuit in dicta Eccleſia. Item Capella de Eſtropp, cujus Hugo de Caymes olim erat Patronus, & nunc Heres Whychede eſt, quam poſſidet Magiſter Leiff, ſed an inſtitutus ignoratur. Item Capella de Everlonde in Inſula vecta, cujus erat Patronus Dominus Radulphus Ruſſell Miles, efficitur donativa. Item Capella de Bredlesford in Inſula vecta, cujus erat Patronus Dominus Radulphus de Georges Miles, quæ ignoratur. Item Capella de Whipſtrode, cujus erat Patronus Arnoldus Brokas, quam poſſidet, ut creditur, Magiſter Magnus, & illa Capella ſita eſt infra Parochiam de Fareham, ſed an poſſidet virtute Inſtitutionis vel Donationis dubitatur. Item Capella de Fryfolke, cujus erat Patronus Dominus Henricus Huſſey Miles, Dominus de Hertyng, quæ nunc vacatur & eſt in manibus Magiſtri Andrewes Patroni ibidem. Item Capella de Broke in Inſula vecta, quæ erat collat.' Jure devolut', cujus nunc Bowrman eſt Patronus, & tenet Capellam in manu ſua propria. Item Cuſtodia ſive Cantaria Domûs Sancti Johannis de Andever, cujus erant Patroni Communitas villæ de Andever, quæ nunc prætenditur eſſe donativa. Item Capella de Kyngeſton in Inſula vecta, cujus erat Patronus Radulphus Wolfreton, Dominus de Kyngeſton, & nunc Johannes Meulx in præſenti eſt, & percepit proventus ejuſdem Capellæ. Item Capella de Eſperlee, cujus Mauritius Brunt erat Patronus. Item Eccleſia Parochialis de Chartford, cujus erat Pa-

— and grants Commiſſion to Enquire,

— with Specification of the matters to be enquired into.

tronus Prior Hoſpitalis Sancti Johannis Jeroſimilotani in Anglia, & Fructus ejuſdem percepit Magiſter Barrow nullo titulo haben.' Item Capella de Apulderford, cujus erat Patronus Johanes Liſlee miles, quam ignoro. Item Vicaria Sanctæ Elenæ, in Inſula vecta, collat.' erat de Jure devoluto, cujus præpoſitus & Socii de Eton ſunt Patroni. Item Vicaria perpetua de Wellowe, cujus ſunt Patroni Abbas & Conventus de Letoloco. Item Capella de Purlee, cujus Willielmus Rengburn erat Patronus. Item Capella de Weſtratton, cujus erat Patronus Johanes de Sayte, aliàs Wate. Item Capella de Alfredſton in Inſula vecta, cujus erat Patronus Humfridus Stafford.

The Verdict of the *Jurors.*

Comparuerunt Magiſtri Thomas Young, Vicarius perpetuus Eccleſiæ Parochialis de Adderton, Thomas Bayley, Vicarius perpetuus Eccleſiæ parochialis de Poddiſhill, Willielmus Redferne, Rector Eccleſiæ parochialis de Moltiſtone, Artium Magiſtri; Dominus Johannes Clerke, Vicarius perpetuus Eccleſiæ parochialis de Newchurch, Richardus Kennock, Rector Eccleſiæ Parochialis de Chale, & Phillipus Whitteſley, Vicarius perpetuus Eccleſiæ parochialis de Thorley in dicta Inſula vecta, Clerici, necnon Johannes Gombolde, Johannes Ley, Parochiæ Sanctæ Elenæ, Robertus Bowles, Parochiæ de Breardyng, Johannes Newman, Parochiæ de Goddiſhill, Radulphus Hall, Parochiæ de Chale, & Johannes Peper, Parochiæ de Everlond in eadem Inſula, Laici; pleniorem Notitiam infraſcriptorum habentes, citati juxta tenorem mandati noſtri prædicti: Quos Nos Walterus Piers Commiſſarius antedictus, in præſentia dicti Collegæ noſtri & de ejus Conſenſu, & etiam in præſentia prænominatorum comparentium, & in Contumaciam abſentium, Juramento, tactis per eoſdem & eorum quemlibet Sacroſanctis Scripturis, & per eoſdem Deoſculatis, de fideliter inquirendo ſuper Articulis in Commiſſione præinſertà contentis & expreſſis, & aliis in hac parte requiſitis, ac plenam & meram veritatem ſuper eiſdem, in quantum ſciverint, nobis dicend', reddend', & præſentand', odio, favore, amore, timore, prece, precio, & aliis corruptionum generibus poſtpoſitis, ſemotis & excluſis, oneravimus, adtunc & ibidem: ac eiſdem ſic juratis, ad comparend.' coram Nobis in Capella de Newport in dicta Inſula vecta, Die Martis prox.' futur'. viz. ultimo Die Inſtan.' Menſis Aprilis, Nos, ſuper Articulis prædictis informatur.' ac eorum veredictum in Scriptis nobis redditur.' & præſentatur', judicialiter etiam aſſignavimus & monuimus. Quo Die Martis, viz. ultimo Die Menſis Aprilis advenien', comparuerunt coram Nobis Waltero Piers & Johanne Dodſon Commiſſariis antedictis, judicialiter & pro tribunali in prælibata Capella de Newport Seden', prænominati Magiſtri Thomas Young, Thomas Bayley, Willielmus Redferne, & Domini Johannes Clarke, Richardus Kennock, & Phillippus Whitteſley Clerici; ac Johannes Gombolde, Johannes Ley, Robertus Bowley, Radulphus Hall, & Johannes Pepper Laici; Jurati ut præfertur; & unanimit.' dederunt, exhibuerunt eorum præſentationem ſive veredictum in Scriptis, cujus tenor ſequitur, ſub hac Serie Verborum. Relatio, Præſentatio, & veredictum Juratorum ſuper Articulis eis expoſitis. In Primis præſentamus & dicimus, quòd in Cantaria de Woddyton, Dominus Robertus Cooke eſt Rector canonice per Ordinarium inſtitutus, quam poſſidet in præſenti: ac in Capella ſive Eccleſia de Yowerlond, Dominus Robertus Tias eſt Rector etiam canonice inſtitutus, & eam poſſidet in præſenti: Item præſentamus & dicimus quòd Capella de Bredlesford, Capella de Broke, Capella de Kyngeſton, Vicaria perpetua Sanctæ Elenæ, & Capella de Alverſton, fuerunt præſentativæ Ordinario, & habuerunt Inſtitutionem, ut nobis liquebat per tenorem Regiſtri Reverendi Patris Winton.' Epiſcopi, in authentica forma exemplificati & nobis exhibit.' & vacant.' in præſenti, ſed quamdiu, & quomodo, ignoramus: Item præſentamus & dicimus, quòd Capella Sanctæ Uriæ, infra Parochiam de Breardying ſituat', eſt donativa & non præſentativa, ac eſt dotata terris & tenementis ad valorem xxvi *s.* viij *d.* annuatim, ac Magiſter Robertus Gilbert eſt Donator ejuſdem, ac Thomas Howles Recepit redditum tenementorum & terrarum ipſius Capellæ, ſed quo Jure ignoramus: Item dicimus & præſentamus, quòd Capella de Bridilsford eſt dotata terris & decimis ad valorem xxvi *s.* viij *d.* ac Dominus Johannes Liſle Miles eſt Patronus ejuſdem, ac Johannes Rawlyns fuit Perceptor ac Occupator Proventuum ipſius Capellæ per quatuor Annos & ult', ſed ad cujus uſum ignoramus; ac Capella remanet, tamen eſt ruinoſa: Item dicimus & præſentamus, quòd Capella de Broke eſt dotata terris & decimis ad valorem xxx *s.* annuatim, ac Robertus Gilbert & Nicholaus Bowerman ſunt Patroni ejuſdem, cujus Capellæ Proventus percepit Nicholaus Bowerman circiter quatuor annos, prætextu cujus exhibuit Capellanum ad celebrand.' divina in dicta Capella, quæ eſt ſufficienter reparat.' Item dicimus & præſentamus, quòd Capella Curata de Kyngeſton eſt dotata terris & decimis ad valorem xlvi *s.* viij *d.* annuatim, communi hominum eſtimatione, ac Johannes Mieulx eſt Patronus ejuſdem, & percepit Fructus ejuſdem virtute Sequeſtrationis Fructuum ſibi commiſ.' & exhibet Capellanum in eadem Capella & ad celebrand.' divina, quæ eſt ſufficienter reparat.' Item dicimus & præſentamus, quòd, quantum ad dotationem Vicariæ perpetuæ Sanctæ Elenæ & annuum valorem ejuſdem, ignoramus; ſed Præpoſitus & Socii Collegii de Eaton ſunt Rectores & Proprietarii Eccleſiæ parochialis Sanctæ Elenæ prædict', & eo prætextu ipſius Vicariæ Patroni, ac Willielmus Squier Junior eſt Firmarius eorum, & recepit Fructus & Proventus ibidem: Item Capella

Capella de Alfredſton eſt dotata terris & decimis ad annuum valorem xl *s*, ac Dominus Egidius Trangwiſhe eſt Patronus ejuſdem, ac Fructus & Proventus ejuſdem ſunt ſequeſtrati, & Capella eſt ruinoſa. Item dicimus & præſentamus, quòd Collatio Capellæ de Breddlesford, Capellæ de Broke, Capellæ de Kyngſton, Vicariæ perpetuæ Sanctæ Elenæ, & Capellæ de Alfredſton, ſunt ad Reverendum in Chriſto Patrem Dominum Richardum Winton.' Epiſcopum pro hac vice, & lapſum temporis ſemeſtris, pro eo quòd Patroni non præſentaverunt, legitimè devolut', ac ad eundem Reverendum Patrem pro hac vice ſpectant.

CURATES in Churches APPROPRIATE.

Pag. 818.

XXIV. *Commiſſio Curati, ubi nullus Inſtituitur Rector vel Vicarius.*

† Tillotſon; Regiſtr. f. 116, a.

A Curacy being vacant, is beſtowed by the Patron,

† JOHANNES, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus; Dilecto Nobis in Chriſto Johanni Downes Clerico, in Artibus Magiſtro, Salutem in Domino & Gratiam. Literarum Scientia, vitæ Probitas, & aliæ Dotes Prudentiæ & Virtutis quibus Nobis commendaris, meritò Nos inducunt, ut in commodum Eccleſiæ ſuſcitemus hæc Dona Tibi divinitùs data. Ad peragendum igitur Officium Curati in Eccleſiâ de Wooton-Underwood in Comitatu Bucks & infra Decanatum de Risborough-Monachorum, noſtræque Juriſdictionis peculiaris & immediatæ, in precibus communibus aliiſque Miniſteriis Eccleſiæ ad Officium Presbyteri pertinentibus, juxta formam deſcriptam in Libro Publicarum Precum, & non aliter neque alio modo, (præſtito primitùs per te Juramento de Fidelitate & Allegiantiâ Regiis Majeſtatibus præſtand.' ac de refutando, recuſando, & renunciando omni & omnimodæ Juriſdictioni, Poteſtati, Authoritati & Superioritati, foraneis, juxta vim, formam & Effectum Statuti Parliamenti hujus Regni Angliæ editi & proviſi, ſubſcriptiſque per te tribus illis Articulis in triceſimo ſexto Capitulo Libri Conſtitutionum ſive Canonum Eccleſiaſticorum, Anno Domini milleſimo ſexcenteſimo quarto Regiâ Authoritate edit.' & promulgat.) Licentiam & Facultatem Tibi concedimus & impertimur per præſentes, ad noſtrum beneplacitum tantummodò duratur.' In cujus rei Teſtimonium, Sigillum Vicarii noſtri in Spiritualibus Generalis præſentibus apponi fecimus. Dat.' primo Die Menſis Septembris, Anno Domini milleſimo ſexcenteſimo nonageſimo primo, Noſtræque Conſecrationis Anno primo.

— with the Ordinary's Commiſſion to ſerve the Cure,

— and to continue during pleaſure.

1691.

Pag. 819.

XXV. *Licentia, ut Monachi poſſint per ſeipſos ſupplere Curas quaſdam Appropriatas, Monaſterio Vicinas.*

* Courtney, Regiſtr. f. 72. b.

Beneſices Appropriated, being ſmall, and near the Monaſtery,

*WILLIELMUS &c. Dilectis in Chriſto Filiis, Religioſis Viris Abbati & Conventui Monaſterii de Langedon, noſtræ Diœc.' Salutem &c. Paupertatem & Inopiam, quibus Monaſterium veſtrum temporibus jam inſtantibus laborare dinoſcitur, meritò attendentes, cæteriſque pro parte veſtrâ cauſis juſtis & piis nobis expoſitis diligenter penſatis; ut in Eccleſiis exilibus de Weſtlangedon, de Walmere, de Oxneia, & de Leden.' ac Capella de Neweſelc, veſtro Monaſterio quaſi contiguis, quas in proprios uſus detinetis, per dicti Monaſterii veſtri Confratres Divina celebrare, ac eiſdem, prout earundem Eccleſiarum & Capellæ Cura requirit, laudabiliter deſervire & officiare, Sacramenta & Sacramentalia Parochianis earundem Eccleſiarum & Capellæ debitè miniſtrare valeatis, de gratiâ noſtrâ ſpeciali tenore præſertium indulgemus; præſentibus ad noſtrum beneplacitum duratur.' In cujus Rei &c. Dat.' in Caſtro noſtro de Saltwode ſecundo Die Menſis Septembris Anno Domini &c. Et noſtræ Tranſlationis ſexto.

— are allowed to be ſupplied by the Monks.

1387.

Pag. 818.

XXVI. *Revocation of a Licence granted to a Curate, where is no other Incumbent.*

* Sancroft; Regiſtr. f. 274, b.

A Curate, where was no other Incumbent, being promoted to a Vicarage,

WHEREAS We * *William* by Divine Providence Lord Archbiſhop of Canterbury, Primate of all England and Metropolitan, have formerly appointed *Alexander Mills* Clerk, to be our Curate of our Pariſh Church of *Aſh* in our Dioceſe of Canterbury; And the ſaid *Alexander Mills* being ſince Inſtituted into the Vicaridge of *Saint Clements* in Sandwich, and being ſtill Vicar of the ſame, is bound to reſide there according to Law, and cannot, nor does not, perform his Duty in ſerving the ſaid

Cure of *Aſh* as he ought to do, as appeareth to us by Depoſitions taken in our Conſiſtory Court of Canterbury, in Proceedings in the ſaid Court againſt the ſaid *Alexander Mills*; And for that it is ſuggeſted to us, that the ſaid *Alexander Mills*, upon his Admiſſion into the ſaid Cure, did not read any Certificate of his Subſcription to the Declaration mentioned in the Act of Uniformity, in the Fourteenth Year of the Reign of King *Charles* the Second, in the ſaid Pariſh Church of *Aſh*: We therefore the ſaid Arch-Biſhop, in conſideration of the Premiſſes, do hereby Revoke our Licence formerly given to the ſaid *Alexander Mills* to ſerve the ſaid Cure of the ſaid Pariſh Church of *Aſh*, and do hereby appoint *John Shocklidge* Clerk to ſerve the ſaid Cure of the ſaid Pariſh Church of *Aſh*, and to take a Licence for the ſame; which Licence is to be regiſtred in our Vicar General's Office, and to remain during our pleaſure, and the pleaſure of our Succeſſors. And we do appoint, that a Clauſe or Proviſo ſhall be inſerted in the ſaid Licence, that the ſaid Licence ſhall be *ipſo facto* void, unleſs, the ſaid *John Shocklidge* reſides perſonally on the ſaid Cure. In witneſs whereof, we have hereunto ſet our hand and Seal, which we uſe in like Caſes. Dated at Lambeth-houſe this Thirtieth day of July, Anno Domini 1689, and of our Conſecration, the Twelfth. 1689.

— his Licence is Revoked,

— and another appointed on condition to Reſide.

SECT. IX.

RESIGNATION.

I. *Reſignatio Beneficii, cum Admiſſione.* Pag. 822.

Archbiſhop certifies, that he had ſeen a Reſignation, made by a Rector,

Noverint Univerſi, quòd Nos * Simon permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas, & Apoſtolicæ Sedis Legatus, Vidimus, Inſpeximus & Examinavimus diligenter Reſignationem & Renunciationem quam Dominus Emericus Godman, Rector Eccleſiæ Parochialis de Stokby noſtræ Cantuar.' Diœc.' de ipſâ Eccleſiâ, ex certâ Scientiâ, purè, ſpontè, ſimpliciter & abſolutè, in manibus noſtris nuper fecit, & ſuper hiis quandam cedulam, hujuſmodi Reſignationem & Renuntiationem continentem, Nobis perſonaliter exhibuit, ſubſequentis tenoris.

* Iſlip, f. 69. b.

—declaring his deſire to be diſcharged from the Cure, — and that he reſigned without force, or reward;

— and praying the Ordinary to admit it:

In Dei Nomine, *Amen.* Ego Emericus Godman, Rector Eccleſiæ Parochialis de Stokby, Cantuar.' Diœc.' cupiens exonerari à curâ & regimine Animarum dictæ Eccleſiæ imminente; ipſam Eccleſiam, ſum ſuis Juribus & pertinentiis univerſis, in veſtras ſacras manus Venerabilis Patris Domini Simonis Dei gratia Cantuar.' Archiepiſcopi, totius Angliæ Primatis & Apoſtolicæ Sedis Legati, loci Diœceſani, ex certâ ſcientiâ, purè, ſponte, ſimpliciter & abſolutè Reſigno in hiis ſcriptis, & omni Juri mihi competenti in eadem Eccleſiâ, vel ad eam, palam renuncio & expreſsè; ipſamque Eccleſiam, & Poſſeſſionem ejuſdem, re & verbo dimitto: Vobis Venerabili Patri ſupplicans humiliter & inſtanter, quatenus hanc meam Reſignationem & Renunciationem admittere, & à Curâ & Regimine Animarum dictæ Eccleſiæ incumbente, me exonerare dignemini.

— which the Ordinary, after due Enquiry into the Cauſes, accordingly admits.

Unde nos, Simon Archiepiſcopus ſupradictus, poſt deliberationem & examinationem dicti Domini Emerici ſuper cauſis Reſignationis & Renunciationis prædictæ ſufficientes in ea parte habitas, hujuſmodi reſignationem & renunciationem, ex cauſis legitimis per nos approbatis, de dictâ Eccleſiâ per ipſum Dominum Emericum factas, ut præmittitur, admiſimus & acceptavimus, & ex abundanti admittimus, & tenore præſentium acceptamus: Quod omnibus & ſingulis quorum intereſt in eâ parte, ſeu intereſſe poterit in futurum, innoteſcimus per præſentes Sigillo noſtro ſignatas. Dat,' apud Maydenſtan, Id.' Junii, Anno Domini Milleſimo trecenteſimo liii°. & Conſecrationis noſtræ quarto. 1353.

Pag. 822.

II. *Conſtitutio Procuratoris ad Reſignandum.*

Braybrook; Regiſtr. fol. 130. a.

A Certificate of a Proxy duely Executed,

IN Dei Nomine Amen. Per præſens publicum Inſtrumentum cunctis appareat evidenter, quòd anno ab Incarnatione Domini, ſecundùm curſum & computationem Eccleſiæ Anglicanæ, milleſimo tricenteſimo nonageſimo quinto, Indictione tertiâ, Pontificatûs Sanctiſſimi in Chriſto Patris & Domini, Domini Bonifacii Divinâ Providentiâ Papæ noni anno Sexto, & menſis Aprilis die Viceſimâ quartâ, in alta Camerâ Oliveri Clerk infra Parochiam de magna Hadham London' Diœc.' ſituatâ, in mei Notarii publici & Teſtium Subſcriptorum præſentiâ, conſtitutus perſonaliter diſcretus Vir Willielmus Rook, Rector Eccleſiæ Parochialis (ut aſſeruit) de Myſtelegh cum Capellâ de Manytre eidem annexâ, London.' Diœc.' Volens & affectans (ut dixit) ex certis cauſis & . . . . ipſum in eâ parte moventibus, ab onere & Poſſeſſione dictarum Eccleſiæ & Capellæ ſuarum penitùs exonerari, Et ideò dilectum ſibi in Chriſto Thomam de Lyes Clericum, licèt abſentem, tanquam præſentem, fecit, conſtituit & etiam ordinavit ſuum verum, certum & indubitatum Procuratorem, Negotiorum geſtorem, & Nuncium ſpecialem; Dans & Concedens eidem Procuratori ſuo poteſtatem generalem & mandatum ſpeciale nomine ipſius Conſtituentis, & pro eo, dictam Eccleſiam cum Capellâ eidem (ut præmittitur) annexâ, in ſacras manus Reverendi in Chriſto Patris & Domini, Domini Roberti Dei gratiâ Londinenſis Epiſcopi, Loci Diœceſani, licèt abſent.' aut ipſius Vicarii in Spiritualibus generalis, ſeu alterius cujuſcumq; poteſtatem hujuſmodi Reſignationem admittendi habentis, purè, ſpontè, ſimpliciter & abſolutè Reſignandi, ac ipſam Eccleſiam cum prædictâ Capellâ re & verbo dimittendi, & quatenùs ipſum Conſtituentem concernit, recedendi totaliter ab eiſdem; Cæteráque omnia & ſingula faciendi, exercendi & expediendi, quæ in præmiſſis, ſeu eorum aliquo, neceſſaria fuerint ſeu quomodolibet opportuna: Et promiſit dictus Conſtituens mihi Notario Publico Subſcripto, vice & nomine omnium quorum intereſt ſeu intereſſe poterit in hac parte, expreſſè ſtipulanti & recipienti, ſe ratum & gratum perpetuò habiturum totum & quicquid per dictum Procuratorem ſuum actum, geſtum ſive procuratum fuerit in præmiſſis, ſeu aliquo præmiſſorum; necnon judicio ſiſti & judicatum ſolvi cum omnibus ſuis . . . . ſub hypothecâ & obligatione omnium Bonorum ſuorum, & expoſuit cautionem. Acta ſunt hæc, prout ſupra ſcribuntur & recitantur, ſub Anno, Indictione, Pontifice, Menſe, Die, & Loco præfatis; Præſentibus diſcretis viris Johanne Stillygo & Ricardo Clerk Lich.' & London.' Diœc. Teſtibus ad præmiſſa vocatis ſpecialiter & rogatis.

—to make Reſignation of a Benefice to the Ordinary;

—with promiſe to ratify whatever ſhall be done.

Et ego Willielmus de Spaldewyk Clericus Lincoln.' Diœc.' publicus Auctoritate Apoſtolicâ Notarius, præmiſſis omnibus & ſingulis, dum ſic, ut præmittitur, ſub Anno, Indictione, Pontifice, Menſe, Die, & Loco, prædictis, agerentur & fierent, unà cum prænominatis Teſtibus præſens perſonaliter interfui, eâque ſic fieri vidi & audivi, ſcripſi, publicavi, & in hanc publicam formam redegi, ſignóque & nomine meis conſuetis ſignavi, rogatus & requiſitus, in fidem & teſtimonium omnium præmiſſorum. 1395.

Pag. 822.

III. *Actus Reſignationis per Procuratorem.*

Braybrook, Regiſtr. f. 130. a.

A Biſhop being in Foreign parts,

MEMORANDUM, quòd die xxvj^{ta} menſis Aprilis, &c. Anno, Indictione, & Pontificatu quibus proximè ſupra; In aula Hoſpitii ſive habitationis Magiſtri Thomæ Stowe Legum Doctoris, Canonici London.' Reverendi in Chriſto Patris & Domini, Domini Roberti Dei gratia London.' Epiſcopi (ipſo Reverendo Patre extra ſuas Civitatem & Diœc.' in remotis agente) Vicarii in ſpiritualibus generalis, coram eodem Domino Vicario in ſpiritualibus, & in præſentiâ Notariorum & Teſtium Subſcriptorum, conſtitutus perſonaliter Thomas de Lyes Clericus, Procurator, & procuratorio nomine Willielmi Rook Clerici, Rectoris Eccleſiæ Parochialis de Miſtelegh cum Capellâ de Manytre eidem annexâ, London.' Diœc.' (prout in Inſtrumento publico ſupraſcripto pleniùs continetur) in hâc parte ſufficienter conſtitutus, eaſdem Eccleſiam & Capellam in ſacras manus Reverendi in Chriſto Patris & Domini, Domini Roberti Dei gratiâ London.' Epiſcopi ſupradicti, licèt abſentis, tanquam præſentis, ſeu alterius cujuſcumque hujuſmodi Reſignationem admittendi poteſtatem habentis, purè, ſpontè, ſimpliciter & abſolutè, ſub debitâ formâ verborum reſignavit, ac ipſas & earum poſſeſſionem re & verbo dimiſit, omnibúſque modo & formâ quibus melius potuit receſſit totaliter ab eiſdem; ſupplicavítque eidem Domino Vicario in ſpiritualibus Generali, quatenùs dictas Reſignationem, Dimiſſionem & Receſſum, ſic (ut præmittitur) factas, ex officio ſuo dignaretur admittere, intuitu caritatis. Qui quidem Magiſter Thomas Stowe, Vicarius in ſpiritualibus antedictus, Reſignationem, Dimiſſionem, & Receſſum hujuſmodi (ſic, ut præfertur,

—a Proctor for Reſignation appears before his Vicar General,

—and Reſigns,

—and prays that it may be admitted;

—which is done.

coram eo fact.') admiſit tunc ibidem: Præſentibus tunc ibidem Magiſtris Thomâ Ruggeley, Roberto Northlode, & Radulpho Gardyner, Clericis, Notariis Publicis, Lich.' Wellen.' & London.' Diœc.' Teſtibus ad præmiſſa vocatis ſpecialiter & rogatis. 1395.

IV. *Actus Exhibitionis, & Reſignationis, per Procuratores.*

Pag. 822.

The Reſignation being Exhibited by a Proctor,

1 Whitgift, Regiſtr. f. 304, b.

DECIMO quinto die Menſis Martii, Anno Domini juxta Computationem Eccleſiæ Anglicanæ milleſimo quingenteſimo octogeſimo octavo, coram Venerabili Viro Magiſtro *Willielmo Awbrey*, Legum doctore, Vicario in Spiritualibus Generali Reverendiſſimi Patris Domini Archiepiſcopi Cantuarienſis &c. infra ædes ejuſdem Magiſtri *Willielmi Awbrey* infra Parochiam Sancti Benedicti *Huda* Civitatis London', in præſentiâ mei Thomæ Redman Notarii publici, &c. Comparuit perſonaliter Magiſter *Thomas Lovel* Notarius Publicus, & exhibuit Domino Judicanti prothocollum Reſignationis Eccleſiæ Parochialis de Iſelipp, Diœceſis Oxon.' Cantuarienſis provinciæ, per Magiſtrum Willielmum Wilſon Clericum, Sacræ Theologiæ Baccalarium, Rectorem Eccleſiæ Parochialis prædictæ, & penes Regiſtrum dimiſit: Atque tunc & ibidem comparuit perſonaliter quidam *Cadwallader Coker*, literatus, & exhibuit Procuratorium ſuum literatoriè pro dicto Willielmo Wilſon, & fecit ſe partem pro eodem, & exhibuit dictam ſchedulam Reſignationis, & eandem Reſignationem admitti petiit, Juſque &c. Unde dominus, ad ejus petitionem, admiſit dictam Reſignationem, & ad omnem Juris Effectum exinde quoviſmodo ſequi valen.' dictam Eccleſiam Parochialem de Iſelipp de perſonâ dicti Willielmi Wilſon vacuam fuiſſe & eſſe, Juſque Patrono ejuſdem aliam perſonam idoneam ad eandem competere, præmiſſâque dicto Patrono &c. intimanda, Literâſque Teſtimoniales ſuper præmiſſis fieri, Decrevit, &c. 1588.

—another Exhibits a Proxy to appear for the Perſon Reſigning,

—and prays Admiſſion.

V. *Commiſſio pro Admittendâ Reſignatione.*

Pag. 822.

The Ordinary Commiſſions a particular perſon to admit a Reſignation,

* Iſlip; Regiſt. 150. a.

*SIMON &c. Dilecto Filio Magiſtro Johanni de Severleye, Præpoſito Eccleſiæ noſtræ Collegiatæ de Wyngham, noſtræ Diœceſeos, Salutem, Gratiam & Benedictionem. Ad Admittendum & Recipiendum, in Formâ Juris, Reſignationem Simplicem Domini Roberti Mildenhale, Rectoris Eccleſiæ de Stone in Oxene, dictæ noſtræ Diœceſeos, de Eccleſiâ ſuâ prædictâ, & ipſum Dominum Robertum à curâ & regimine ejuſdem Eccleſiæ ſuæ exonerandum; Vobis, de cujus circumſpectione & induſtriâ plenam fiduciam in Domino gerimus, Committimus vices noſtras: Et quid feceritis, & dictus Dominus Robertus fecerit, in præmiſſis, nos (dicto negotio expedito) certificetis per literas veſtras patentes, harum Seriem Reſignationemque præfati Domini Roberti, & Diem Reſignationis hujuſmodi, plenius continentes. Dat.' apud Otteford . . . . Kalend.' Auguſti, Anno Domini Milleſimo CCC^{mo} lix^{o} & noſtræ Conſecrationis decimo. 1359.

— and to make Return.

VI. *Intimatio Patrono de Reſignatione factâ & admiſſâ.*

Pag. 822.

The Vicar General having admitted a Reſignation,

Grindal; Regiſtr. 273, b. 1.

WILLIELMUS Awbrey Legum Doctor, Officio Vicariatûs in Spiritualibus Generalis, & Officialitatis Principalis Sedis Archiepiſcopalis Cantuarienſis, &c. Dilecto Nobis in Chriſto Thomæ Norrice de *Newenham Courtney* in Comitatu Oxonii, Oxonienſis Diœceſis, Cantuarienſiſque Provinciæ, Armigero, Patrono (ut dicitur) Eccleſiæ Parochialis de *Newenham* prædict.' Salutem in Authore Salutis. Tibi tenore præſentium intimamus pariter & ſignificamus, Eccleſiam Parochialem de *Newenham Courtney* prædict.' per liberam & Spontaneam Reſignationem Michaelis Vaughan Clerici, ultimi Rectoris & Incumbentis in eâdem, vacare & de jure vacuam eſſe. Quapropter tibi committimus & Mandamus, quatenùs Clericum idoneum ad Eccleſiam prædictam, infra tempus tibi de Jure ſtatutum & limitatum Præſentes, ſeu Præſentari facias, ſub pœna incumben.' In cujus rei Teſtimonium, ſigillum quo in hâc parte utimur, præſentibus apponi fecimus. Dat.'

—ſignifies the Voidance to the Patron.

VII. *Proceſſus ſuper Permutatione duorum Beneficiorum.*

Braybrook, fol. 1. a.

Return to the Commiſſion granted by the Ordinary, to Enquire, in order to an Exchange.

VENERABILI in Chriſto Patri & Domino ſuo Reverendo, Domino Roberto, Dei Gratia Londonienſi Epiſcopo, ſuus humilis & devotus Reverendi Viri Domini Archi.' Colceſtr.' Offic', Obedientiam & Reverentiam debit.' tanto Patri, cum omn.' Subjectionis Honore.

Mandatum veſtrum reverendum, pridiè Idus Januarii ult.' præterit', ſub eo qui ſequitur tenore, noveritis me recepiſſe.

Robertus Permiſſione Divinâ Londonien.' Epiſcopus, Dilecto in Chriſto Filio, Archidiacono noſtro Colceſtr', vel ejus Offic', Salutem, Gratiam & Benedictionem.

Commiſſion ſets forth, — the Patrons — Benefices — and perſons preſented,

— and directs the uſual Enquiries.

Præſentârunt nobis excellentiſſimus in Chriſto Princeps & Dominus noſter, Dominus Ricardus, Dei Gratia Rex Angliæ & Franciæ illuſtris, & Dominus Hiberniæ, Dominum Johannem de Neweton, ad Eccleſiam parochialem de Bradewell, noſtræ Dioc', ex Cauſâ permutationis faciendæ cum Vicaria Eccleſiæ parochialis de Ferynge, ejuſdem noſtræ Dioc', quam idem Johannes optinet cum Eccleſia parochiali de Bradewell ſupradict', ad ſuam donationem, ut dicitur, ſpectantem: Quocirca vobis firmiter injungendo Committimus & mandamus, quatenus tam ſuper jure jam præſentant.' & præſentantis ultimò ad eandem, quam ſuper vita, moribus & converſatione dicti præſentati, necnon ſuper aliis Articulis in hujuſmodi inquiſitionibus fieri conſuetis, in loci Capitulo celebrand', vocatis vocandis, per Rectores & Vicar.' Decanatûs in quo dicta Eccleſia de Bradewell conſiſtit, in forma juris juratos, diligentem inquiſitionem fideliter faciatis: de diebus verò receptionis præſentium, inquiſitioniſque veſtræ in hac parte factæ, & quid feceritis in præmiſſis, nos certificetis per Literas veſtras Patentes, veſtro, & Inquiſitorum hujuſmodi ſigillis conſign', harum, & inquiſitionis prædictæ ſeriem, unà cum ipſorum Inquiſitorum Nominibus, plenius continent.' Dat.' London', ſub ſigillo Officialitatis noſtræ London', eò quòd ſigillum proprium ad manus non habemus, xi die menſis Januarii, Anno Domini Milleſimo CCC^{mo} lxxxj°, & noſtræ Conſecrationis Anno primo.

Return to the Commiſſion.

Cujus Auctoritate mandati, vocatis in hac parte vocandis, tam ſuper jure jam præſentantis, quam ultimò præſentant.' ad eandem, ac etiam ſuper vita, moribus & converſatione præſentati, necnon ſuper aliis articulis in hujuſmodi inquiſitionibus fieri conſuetis, ſecundùm omnem formam vim & effectum ejuſdem mandati, per viros fidedignos, Rectores ac Vicar.' dicti Archidiaconatûs Colceſtr', in quo dicta Eccleſia de Bradewell conſiſtit, eidem Eccleſiæ viciniores & hujuſmodi Negotii Notitiam pleniorem habentes, in forma juris juratos, in pleno Capitulo hac occaſione celebrat', inquiſitionem feci diligentem inſuper & fidel'; quæ dicit, quòd excellentiſſimus in Chriſto Princeps & Dominus noſter, Dominus Ricardus, Dei Gratia Rex Angliæ & Franciæ illuſtris, & Dominus Hiberniæ, modò præſentans ad dictam Eccleſiam de Bradewell, eſt ejuſdem Eccleſiæ de Bradewell, ut aſſeritur, Patronus hâc vice, occaſione Manerii de Bradewell prædict', nunc in manibus ſuis exiſten', & ultimò præſentavit ad eandem, quo jure tamen, titulo vel colore, penitus ſe dicit ignorare: dicit inſuper inquiſitio memorata, quòd dictus Dominus Johannes de Neweton, præſentatus ad eandem Eccleſiam, eſt laudabilis vitæ, bonæ converſationis & honeſtæ, bene morigeratus, liber & legitimus, ac in ordine ſacerdotali conſtitutus, ætat.' quadraginta annorum & amplius: Dicit etiam dicta inquiſitio, quòd Eccleſia de Bradewell prædict.' non eſt penſ.' neque portionar', ſet taxatur ad octo marc.' Sterlingorum annuatim. Nomina vero illorum per quos facta fuit inquiſitio ſunt hæc; Magiſter Johannes Rector Eccleſiæ parochialis de Elmiſtede, Johannes Rector Eccleſiæ de Braxſted magnâ, Ricardus Rector Eccleſiæ Sanctæ Mariæ ad Muros Colceſtr', Johannes Rector Eccleſiæ Hetha Colceſtr', Johannes Rector Eccleſiæ Sancti Jacobi, Willielmus Rector Eccleſiæ omnium Sanctorum, Hugo Rector Eccleſiæ de Greneſted, Gilbertus Eccleſiæ Sancti Martini, & Johannes Vic.' Eccleſiæ Sancti Petri, Reginaldus Rector Eccleſiæ de Teye Godemare, Thomas Rector Eccleſiæ de Falkeborne, Johannes Rector Eccleſiæ de Braxſted parvâ, Johannes Vicar.' de Meſſynge, Thomas Vicar.' Eccleſiæ de Innewurth, & Willielmus Vic.' de Tey ad Ulmos.

In cujus rei Teſtimonium, has Literas certificatorias veſtræ Paternitati reveren.' tranſmitto Patentes & Clauſas, unà cum Nominibus dictorum Inquiſitorum, Sigill.' offic.' mei, & Sigill.' dictorum Inquiſitorum conſignat.' Dat.' Colceſtr', xvij Kalen.' Februarii, Anno Domini ſupradicto.

Inſtitution given.

1381. Die verò xviij Menſis Januarii, Anno Domini ſupradicto, præſentata & exhibita fuit Inquiſitio prædicta Domino meo ſupraſcripto London', in Hoſpitio Habitationis ſuæ, quâ per eum receptâ & inſpectâ, auditis hinc inde cauſis permutationis prædictæ, ipſiſque veris per ipſum repertis, ac rationabilibus & legitimis, approbavit eaſdem, permutationemque hujuſmodi auctorizavit, mandans partibus inde Literas fieri Inſtitutionis & Inductionis, eo qui ſequitur ſub tenore.

SECT. X.

RESIDENCE.

I. *Mandatum de Citatione ad Reſidentiam.*

Pag. 885.

A Rector is Cited, by Commiſſion, to Reſide in ſix months;

* Peccham, Regiſtr. f. 196, a.

FRATER * J. &c. Dilecto Filio Decano de Croyenden, Salutem, Gratiam, & Benedictionem. Diſcretioni tuæ committimus & mandamus, quatenùs ad Eccleſiam de Wymbeldon perſonaliter accedens, per tres dies ſolempnes coram Clero & populo, publicè Cites in eâdem Rectorem dictæ Eccleſiæ, vice & auctoritate noſtrâ, ut infra ſex menſes à tempore Citationis hujuſmodi, veniat facturus Reſidentiam perſonalem, Ordineſque ſuſcepturus, quos Cura præfatæ Eccleſiæ exigit & requirit: Alioquin procedetur contra eum, prout de jure fuerit procedendum. De diebus autem Citationum, & qualiter præſens Mandatum noſtrum in hac parte fueris executus, Nos infra quindenam Paſchæ reddas certiores per tuas Literas Patentes, harum ſeriem continentes. Dat.' apud Otteford, 5 Id. Apr. anno Ordinationis noſtræ quinto. 1283.

— or otherwiſe the Commiſſary hath power to proceed againſt him.

II. *Sequeſtratio Fructuum pro Non-Reſidentiâ, cum ulteriori Proceſſu.*

Pag. 885.

By reaſon of Non-Reſidence, the Profits are Sequeſtred,

† Peccham, Regiſtr. f. 60, a.

FRATER † J. &c. Dilecto Filio, Decano de Schoreham, Salutem, Gratiam, & Benedictionem. Quia Rector Eccleſiæ de Schoreham in ipſâ Eccleſiâ & Capellis ad eam ſpectantibus, ut tenetur, Curam debitam non exercet; Ne Fructus ejuſdem Eccleſiæ & Capellarum ſuarum, ſicut hactenùs, ulteriùs in illicitis uſibus conſumantur, Tibi in virtute Obedientiæ firmiter injungendo Mandamus, quatenùs omnes fructus & proventus dictæ Eccleſiæ & Capellarum ſuarum ad ipſum Rectorem quoquomodo ſpectantes, Sequeſtres, & ſub arcto ſequeſtro (ſicut de eo nobis reſpondere volueris) teneri facias, quouſque à nobis aliud receperis in mandatis. Citans etiam eundem Rectorem nihilominùs peremptoriè & ſolempniter in Eccleſiâ ſuâ, quòd infra tempus ſibi à Jure conceſſum veniat, facturus in Eccleſiâ ſuâ prædictâ perſonalem Reſidentiam, ut tenetur, & Animarum Curæ, quam negligit, ſalubriter proviſurus: Alioquin extunc contra eum procedetur prout de jure fuerit procedendum. Quid autem feceris in præmiſſis, Nobis infra 15 dies à receptione præſentium reſcribere fideliter non omittas. Vale. Dat.' apud Mortelak. 2 Non. Maij, Anno Dom. 1282. Conſecrationis noſtræ quarto. 1282.

— and Proceſs directed againſt the Non-reſident.

III. *Proceſſus contra Rectorem pro non Reſidentiâ.*

Pag. 885.

An Incumbent neglecting to keep Reſidence,

* Parker; 1 Regiſt. f. 188. a.

*MATTHÆUS, Permiſſione divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, ad quem omnis & omnimoda Juriſdictio ſpiritualis & Eccleſiaſtica quæ ad Epiſcopum Oxon.' Sede plenâ pertinuit, ipſâ Sede jam vacante, notoriè dignoſcitur pertinere; Univerſis & Singulis Clericis & Literatis quibuſcunque per Diœceſin Oxon.' prædict.' ubilibet conſtitutis, Salutem, Gratiam, & Benedictionem. Cum (uti ex fide dignâ relatione accepimus) Thomas Morriſon Clericus, Rector Eccleſiæ Parochialis de Henley ſuper Thameſin Oxon.' Diœc.' prædict.' in eadem ſua Eccleſia Parochiali perſonaliter reſidere, ac Curæ Animarum Parochianorum ejuſdem in Divinis inſervire non curavit, ſed, in animæ ſuæ interitum, & animarum ſuæ curæ commiſſarum perniciem, eidem ſuæ Curæ perſonaliter officiare poſtponit: Nos vero nolentes præmiſſa conniventibus oculis præterire, ſed eis pro poſſe noſtro ſubvenire volentes, ac Scandala omnia ab Eccleſia Dei amovere ex animo affectantes, eundem Thomam Morriſon ſub modo & forma infraſcriptis, & ad diem, horam & locum, & effectum infra deſignat.' monendum & citandum fore decrevimus, Juſtitiâ mediante: Vobis igitur conjunctim & diviſim committimus, ac firmiter injungendo mandamus, quatenùs citetis & moneatis, ſeu ſic citari & moneri faciatis, primò, ſecundò, & tertiò ac peremptoriè, præfatum Thomam Morriſon

Morriſon perſonaliter, ſi apprehendi poterit, & ad eum ſic monend.' & citand.' tutus vobis pateat acceſſus; alioquin publicæ Citationis edicto, per affixionem præſentium in valvis exterioribus Eccleſiæ parochialis Henley prædictæ, & ibidem aliquamdiu dimittend.' verâ earum Copiâ in eiſdem valvis relictâ, aliiſque viis & modis legitimis quibus id melius & efficatius de Jure poteritis, ita quòd hujuſmodi monitio & citatio ad ejus notitiam de veriſimili pervenire poterit, quem nos etiam tenore præſentium ſic monemus & citamus, quòd idem Thomas Morriſon Rector antedictus, infra ſex menſium ſpatium à die Executionis præſentium computandum, (quorum quidem ſex menſium duos pro primo, duos pro ſecundo, & reliquos duos pro tertio & peremptorio termino, & monitione legitimâ, eidem Rectori aſſignamus & aſſignari volumus) dictæ Eccleſiæ Parochiali de Henly, & Curæ Animarum Parochianorum ejuſdem, perſonaliter inſerviat, verbúmque Dei ac Sacramenta eiſdem Parochianis miniſtret, necnon perſonalem ſuam Reſidentiam in eâdem Eccleſiâ faciat; Alioquin, lapſis & præteritis hujuſmodi ſex menſibus, & dicto Thomâ Morriſon eidem Monitioni noſtræ minimè parente, ſed eandem ſpernente, quòd compareat coram nobis, aut Vicario noſtro in ſpiritualibus Generali & Officiali Principali quocunque, in Eccleſiâ Cathedrali Divi Pauli London.' Loco Conſiſtoriali ibidem, decimo quinto die poſt lapſum dictorum ſex menſium, ſi Juridicus fuerit, alioquin proximo die Juridico extunc ſequente, quo Nos, aut Vicarium noſtrum in ſpiritualibus Generalem & Officialem Principalem hujuſmodi, ad Jura reddenda, horâ Cauſarum ibidem conſuetâ, pro Tribunali ſedere contigerit; Cauſam rationabilem & legitimam ſi quam pro ſe habeat, aut dicere ſciat, Quare eâdem Eccleſiâ ſuâ parochiali, obtentu præmiſſorum, privari & ab eadem amoveri & deſtitui non debeat, in debitâ Juris formâ dicturus & allegaturus; Ulteriuſque facturus & recepturus quod juſtum fuerit in hac parte. Intimetis prætereà modo & forma prærecitatis, prænominato Thomæ Morriſon (cui nos etiam tenore præſentium ſic Intimamus) Quòd ſive ipſe ſic Citatus, dictis die horâ & loco comparuerit, ſive non, Nos nihilominus in hujuſmodi Deprivationis negotio uſque ad finalem Expeditionem ejuſdem incluſivè, juxta Juris Exigentiam, procedemus, ſeu ſic procedet Vicarius noſter in ſpiritualibus Generalis & Officialis antedictus; ipſius Thomæ Morriſon ſic citati & non comparentis Abſentiâ ſive Contumaciâ in aliquo non obſtante. Et quid in præmiſſis feceritis, Nos, aut dictum Vicarium noſtrum in Spiritualibus Generalem hujuſmodi, dictis die, hora, & loco, vel citrà, debitè & auctenticè certificetis, unà cum præſentibus.
1562. Dat.' xix° Die Decembris, Anno Domini 1562, & noſtræ Conſecrationis Anno quarto.

—is ordered to be cited,

—to ſhew cauſe why he ſhould not be deprived.

IV. *Mandatum Archiepiſcopi Epiſcopo, pro Reformatione Exceſſûs Vicarii Non-reſidentis.*

Stafford, f. 25. b.

JOHANNES Permiſſione Divinâ Cant.' Archiepiſcopus &c. Venerabili Confratri noſtro Domino Adæ, Dei Gratiâ Ciceſtren.' Epiſcopo, Salutem, & Fraternam in Domino Caritatem. Fama publica referente, & facti Notorietate, ad noſtrum nuper pervenit auditum, quòd Dominus Gulielmus Wyram, Rector Eccleſiæ de Merſton, veſtræ Ciceſtren.' Dioc', dictam Eccleſiam ſuam inofficiatam omninò dimiſit à diu, & dimittit etiam in præſenti, alibi pro ſuæ Voluntatis Libito diſcurrendo, ac bona ipſius Eccleſiæ in Uſus vetitos conſumendo, in Animæ ſuæ grave periculum, & dict.' Eccleſiæ ſuæ ac Parochianorum ejuſdem Dampnum non modicum & Gravamen. Nolentes igitur Præmiſſa conniventibus Oculis incorrecta relinquere, quemadmodum nec debemus, veſtræ Paternitati rogando mandamus, quatenus Præmiſſa infra 15 Dierum Spatium à Die Receptionis Præſentium, prout ad Vos ex debito pertinet paſtorali Officio, corrigatis & reformetis; alioquin nobis Cauſam rationabilem, ſi quam habueritis, quare Juſtitiâ ſuadente, infra 15 Dies poſt lapſum dict.' 15 Dierum, Prætextu Præmiſſorum, contra præfatum Rectorem procedere non debeamus, authentice intimare curetis. Dat.' in Manerio noſtro
1446. de Lamehith, quinto die menſis Novembris, Anno Domini 1446, & noſtræ Tranſlationis Anno quarto.

The Archbiſhop recites, that he had been informed of the non-reſidence of a Clerk in the Dioceſe of Chicheſter,

—and requires the Biſhop to proceed againſt him, or to ſhew cauſe why he does not.

V. *Conſultatio in Cauſa Non-Reſidentiæ.*

Reynolds, f. 308, b.

EDWARDUS &c. W. Archiepiſcopo Cantuarien.' Salutem. Ex parte veſtra Nobis extitit intimatum, ut, cum vos nuper Johannem Picard Vicarium Eccleſiæ de Tenterdenne, veſtræ Dioceſeos, ſuper eo quòd ipſe in Vicaria ſua prædicta, prout per Juramentum ſuum arctatus fuerat, non reſidit; & etiam ſuper Incontinentia, & aliis hujuſmodi diverſis, quorum Cognitio ad Forum Eccleſiaſticum merè dinoſcitur pertinere, coram vobis in Curia Chriſtianitatis, ex officio veſtro feciſſetis evocari, ad correctionem Animæ ſuæ, & ad honorem Dei, & Eccleſiæ Sanctæ, verſus ipſum procedendum,

A Clergyman being proſecuted in the Spiritual Court for Non-reſidence, Incontinence, &c,

cedendum, Quidam Cognitionem prædictam machinantes impedire, aſſerenteſque placitum prædictum in Curia Chriſtianitatis, eſſe de Tranſgreſſionibus contra Pacem noſtram factis, quoddam Breve noſtrum de Prohibitione inde in Curia noſtra impetraverit, & vobis, ne prædictum Johannem ſuper hujuſmodi Tranſgreſſionibus traheretis in Placitum in Curia Chriſtianitatis, dirigi procurârunt, cujus Prætextu vos, in dicto Negotio de Reſidentia, Incontinentia, & aliis, verſùs præfatum Johannem in Curia Chriſtianitatis procedere diſtuliſtis, & adhuc defertis, per quod ex Parte veſtra Nobis eſt ſupplicatum, ut remedium in hac parte fieri facere curaremus; Et quòd nolumus quod Cognitio quæ ad Forum Eccleſiaſticum pertinet, ſicut prædictum eſt,—per hujuſmodi Brevia noſtra indebite impediatur, vobis ſignificamus, quod in dicto Negotio de Reſidentia, Incontinentia, ac aliis hujuſmodi, quorum Cognitio ad Forum Eccleſiaſticum merè pertinet, facere poteritis in Curia Chriſtianitatis quod ad Forum Eccleſiaſticum noveritis pertinere, dictâ Prohibitione non obſtante. Teſte meipſo apud Raveneſdal, 8 die Decembris, Anno R. noſtri 17°.

—a Prohibition was obtained,

—but Conſultation is granted.

17 *Edw.* 2. 1324.

VI. *Deprivatio Rectoris pro Non-Reſidentiâ.*

Pag. 885.

Recital of the Proceſs againſt an Incumbent for Non-Reſidence.

1 Park. Regiſtr. f. 188, b.

IN Dei Nomine Amen, Nos Thomas Yale Legum Doctor, Reverendiſſimi in Chriſto Patris & Domini, Domini Matthæi Permiſſione divinâ Cantuarienſis Archiepiſcopi, totius Angliæ Primatis & Metropolitani, ad quem omnis & omnimoda Juriſdictio Spiritualis & Eccleſiaſtica, quæ ad Epiſcopum Oxon', Sede plenâ pertinuit, ipſâ Sede jam vacante, notoriè dignoſcitur pertinere, Vicarius in Spiritualibus Generalis & Officialis principalis legitimè Conſtitutus: In quadam Privationis & Deſtitutionis negotio contra Thomam Morriſon Clericum, Rectorem Eccleſiæ Parochialis de Henley ſuper Thameſin dictæ Oxon.' Diœc.' ritè & legitimè, proceden.' Quia tam ex fide dignâ Relatione, Famâque publicâ, & facti notorietate, referentibus & inſinuantibus, quàm etiam ex aliis probationum generibus apud Regiſtrarium noſtrum exiſtentibus, comperimus & invenimus luculenter, eundem Thomam Morriſon Rectorem antedictum ſeſe ab eâdem Eccleſiâ ſuâ Parochiali, ſine ullâ cauſâ rationabili, & abſque ullâ diſpenſatione ſive licentiâ legitimâ in ea parte habitâ & obtentâ, per nonnullum tempus, contra ſacros Canones, Eccleſiaſticas Conſuetudines, & hujus Regni Angliæ Jura, abſentâſſe, Curamque Animarum Parochianorum ibidem illi in Domino commiſſum, inofficiatam reliquiſſe, in Dei optimi maximi gravem offenſam, animæ ſuæ & Parochianorum ſuæ tutelæ commiſſorum grave periculum, aliorúmque Chriſti Fidelium pernicioſum exemplum: Cumque Nos eundem Thomam Morriſon, ſic ceſſantem & non reſidentem, auctoritate noſtra, quatenus eidem ſuæ Eccleſiæ Parochiali ac Curæ Animarum Parochianorum ibidem in perſonâ ſuâ propriâ inſerviret, Verbúmque Dei & Sacramenta Parochianis ibidem miniſtraret, Cæteraque officio ſuo ac dictæ Eccleſiæ ſuæ Parochiali imminentia & incumbentia, diligenter (prout de Jure tenebatur) perageret & perimpleret, atque perſonalem & corporalem ſuam Reſidentiam in eadem ſua Eccleſia, juxta juris exigentiam, infra certum, legitimum & peremptorium terminum ſibi in hac parte aſſignatum, jam effluxum, faceret, primò, ſecundò, & tertiò, ac peremptoriè, per Mandatarium noſtrum idoneum legitimè moneri & citari fecerimus; Et tamen præfatus Thomas Morriſon Monitionibus noſtris hujuſmodi in aliquo parere non curavit, nec curat in præſenti, ſed ſeſe ab eâdem Eccleſiâ ſuâ Parochiali contumaciter (ut prius) abſentavit, & etiam nunc abſentat; eandem Eccleſiam, tanquam deſertam & vacuam, derelinquendo & dimittendo: Idcirco, Nos Thomas Yale Legum Doctor, Vicarius in Spiritualibus Generalis antedictus, Chriſti nomine primitùs invocato, ac ipſum ſolum Deum oculis noſtris præponentes, ſæpedictum Thomam Morriſon ſe à præfatâ Eccleſiâ ſuâ Parochiali per nonnihil temporis ſpatium ſine cauſâ rationabili aut Licentiâ vel Diſpenſatione legitimâ inde petitâ & obtentâ, contra ſacros Canones, Eccleſiaſticas Conſuetudines, & hujus Regni Angliæ jura, abſentâſſe, Curamque Animarum Parochianorum ibidem ei in Domino commiſſam, contra debitum officii ſui deſeruiſſe, poſteaque eundem Thomam Morriſon per nos primò, ſecundò, & tertiò, ritè, legitimè & peremptoriè, (modo quo præfertur) monitum & citatum fuiſſe & eſſe, ad ſerviendum Curæ Animarum Parochianorum in eadem Eccleſia, ac ad faciendum in dictâ Eccleſiâ ſuâ Parochiali perſonalem ſuam Reſidentiam, infra terminum ad id competentem & de Jure in hac parte aſſignatum; & tamen hujuſmodi monitionibus noſtris non paruiſſe, nec parere, ſed ſe ab eâdem Eccleſiâ ſuâ & curâ animarum Parochianorum ejuſdem (præmiſſis non obſtantibus) ſubduxiſſe & abſentâſſe, ac ſic ſe ſubducere & abſentare impræſenti, ac eandem Eccleſiam ſuam inofficiatam reliquiſſe & relinquere, pronunciamus, decernimus & declaramus. Igitur, ne dicta Eccleſia Parochialis de Henley ſuper Thameſin Paſtoris idonei ſolatio deſtituta, grave indies magis ac magis malum patiatur, Animarumve Cura ibidem per contumaciam & negligentiam ejuſdem Thomæ Morriſon penitùs negligatur; Sæpedictum Thomam Morriſon præfatâ ſuâ Eccleſiâ Parochiali de Henley ſuper Thameſin, cum ſuis Juribus & Pertinentiis univerſis, ex cauſis præmiſſis & aliis legitimis

—that he was duely cited to Reſidence,

—but did not obey;

—and therefore the Sentence of Deprivation is pronounced againſt him.

gitimis nos in hâc parte juſtè moventibus, privandum & deſtituendum fore pronunciamus, ac ab eadem Eccleſia eum amovemus & deprivamus per hanc noſtram Sententiam diffinitivam, ſive hoc noſtrum finale decretum; quam ſive quod ferimus & promulgamus in hiis ſcriptis. 1563.

Pag. 885.

VII. *Licentia ad Reſidendum in vicinâ Parochiâ.*

† Sheldon; Regiſtr. f. 227. b.

An Incumbent, whoſe Houſe was ruinous,

†GILBERTUS, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto nobis in Chriſto Gulielmo Dunbar Clerico, Vicario Vicariæ perpetuæ de Doddington in Comitatu Cantii, noſtræque Cantuarienſis Diœceſis, Salutem. Porrecta nobis nuper pro parte tuâ Petitio continebat, Quòd Domus Manſionalis Vicariæ tuæ de Doddington prædict.' adeò ruinoſa & dilapidata ſit, ut ob defectus & decaſus ejuſdem commodè in eadem habitare non poſſis; Unde nobis humiliter ſupplicari feciſti, quatenùs ex cauſis prædictis, in aliquo loco contiguo moram facere (noſtrâ mediante Licentiâ) liberè & impune poſſis & valeas. Nos igitur Petitionem tuam hujuſmodi, juſtam & rationi conſonam eſſe cenſentes, Licentiam & Facultatem tibi concedimus, ut infra Parochiam de Wicheling in Comitatu Cantii prædict.' non ultra duo Milliaria à Vicaria tuâ de Doddington prædict.' (ut aſſeris) reſidere liberè & licitè valeas, (Eccleſiaſticis Conſtitutionibus in contrarium fact.' vel faciend.' non obſtantibus.) Hoc tamen concedimus, eâ Conditione, quòd Cura Animarum Parochianorum de Doddington nullatenùs negligatur. In cujus rei Teſtimonium Sigillum (quo in hac parte utimur) præſentibus apponi fecimus. Dat.' viceſimo quinto die Menſis Junii, Anno Domini milleſimo ſexcenteſimo ſexageſimo nono, Et noſtræ Tranſlationis Anno ſexto. 1669.

— hath Licence granted him to Reſide in a neighbouring Pariſh.

Pag. 888.

VIII. *Licentia ad Non-reſidendum.*

* Reynold; Regiſtr. f. 167. a. ult.

Diſpenſation for Non-Reſidence,

*WALTERUS, &c. Dilecto Filio Roberto de Bothel, Rectori Eccleſiæ de Wodeton, noſtræ Diœceſeos, Salutem, Gratiam & Benedictionem. Ut per unum annum à tempore datæ præſentium ab Eccleſia tua prædicta liberè te abſentare valeas, & fructus Eccleſiæ tuæ prædictæ percipere, ac ſi perſonaliter reſideres in eadem, ad requiſitionem Venerabilis Fratris noſtri Domini † H. Dei gratia Lincoln.' Epiſcopi, tibi Licentiam concedimus ſpecialem. Proviſo * &c. In cujus &c. Dat.' apud Lamhith octavo Id.' Julii, Anno Domini milleſimo trecenteſimo viceſimo quinto. 1325.

† Burwaſh.

* Vide Inſtrument. prox. ſequen.

— with Proviſoe, that the Cure be duely taken care of.

Pag. 888.

IX. *Diſpenſatio ad Non-Reſidendum Cauſâ Studii.*

† Winchelſey, Regiſtr. f. 23. b. 3.

Diſpenſation to be Non-reſident for three Years,

— for ſtudy;

†ROBERTUS &c. Dilecto Filio Magiſtro Adæ Chaumpeneys, Rectori Eccleſiæ Parochialis Sancti Petri de Sandwico, noſtræ Diœc.' Salutem, &c. Tecum cupienti proficere in ſtudio literarum, ut fructum in Dei Eccleſiâ tuo tempore afferre valeas opportunum; quòd per triennium in loco ſeu locis ubi viget ſtudium Generale, ſtudio Juris Canonici poſſis intendere, ad quod te idoneum reputamus; quòdque infra annum à tempore tibi commiſſi regiminis numerand.' in Subdiaconum Ordinatus, non tenearis, dicto durante triennio, ad ulteriores Ordines promoveri, in formâ Conſtitutionis recolendæ memoriæ Domini Bonefacii Papæ viij, quæ incipit, *Cùm ex eo*, tenore præſentium diſpenſamus. Proviſo, quòd interim per bonum & ſufficientem Vicarium (prout exigit eadem Conſtitutio) deputandum, eidem Eccleſiæ deſerviatur laudabiliter in Divinis, & quòd Animarum Cura nullatenus negligatur. Dat.' apud Wengham &c. Kal.' Septembris, Anno Domini M° CCC viij. Conſecrationis noſtræ xiiij°. 1308.

— with Proviſoe that the Cure be duely taken care of.

SECT. XI.

PLURALITY *and* COMMENDAM.

I. *Diſpenſatio Papalis ſuper Pluralitate Beneficiorum.*

Pag. 903.

The favour of Pluralities to be granted to Perſons of Diſtinction, or attending on ſuch;

† Quintus. Winchelſea, Regiſtr. f. 48. a.

† CLEMENS, &c. Dilecto Filio Johanni de Sandale Subdiacono, Cancellario Eccleſiæ Sancti Patricii Dublin.' Salutem & Apoſtolicam Benedictionem. Providentia Sedis Apoſtolicæ circumſpecta Perſonarum Probitatem conſiderans, illas favore ſuæ Gratiæ libenter attollit, quæ per ſemitas incedentes virtutum, ac ſublimium perſonarum obſequiis laudabiliter inhærentes, ſe fore dignas gratiâ præſentant. Oblata ſiquidem Nobis ex parte tuâ petitio continebat, quòd olim tecum ut Cancellarium Eccleſiæ Dublinen.' ac de Stok.' Aſtone, & Lokintone, Eccleſias Curam Animarum habentes, Coventr.' & Lych.' & Eborum.' Diœc.' quas abſque Diſpenſatione Apoſtolicâ, aliàs tamen Canonicè, fueras aſſecutus, licitè inſimul retinere valeres, nec teneres extunc infra ſeptennium ad ulteriores Ordines promoveri, vel ad reſidendum perſonaliter in eiſdem, fuit auctoritate Apoſtolicâ diſpenſatum: Nos igitur attendentes laudabilia teſtimonia, quæ tibi ſuper multis probitatis meritis exhibentur, ac volentes perſonam tuam propter hoc, & obtentu claræ memoriæ, E. Regis Angliæ, cujus Clericus extitiſti, nec non Conſideratione dilecti Filii nobilis Viri Edwardi primogeniti dicti Regis principis Walliæ, nobis etiam pro Te Clerico & Familiari ſuo cum inſtantiâ ſupplicantis, favore proſequi Gratiæ amplioris; præfati Principis ac tuis ſupplicationibus inclinati, tecum, qui adhuc infra ſeptennium prædictum exiſtis, ut præter Cancellariam & Eccleſias Curatas prædictas, adhuc alia Beneficia Eccleſiaſtica, etiamſi Dignitates vel Perſonatus exiſtant, aut Curam habeant Animarum, quotcumque fuerint, dummodo illorum proventus Ducentarum Librarum Sterlingorum, ſecundùm taxationem Decimæ, valorem annuum non excedant, ſi aliàs tibi Canonicè offerantur, liberè recipere & cum Cancellariâ & Eccleſiis Curatis prædictis licitè retinere, ac duabus ex eiſdem Eccleſiis dimiſſis, loco earum duo alia Beneficia Eccleſiaſtica, etiamſi Dignitates vel perſonatus exiſtant, adhuc recipere, ſi tibi ſimiliter aliàs oblata Canonicè fuerint, & cum prædictis reliquis retinere, licitè valeas; nec tenearis, alicujus eorum prætextu, ad quinquennium (dum tamen interim præfati Principis obſequiis immoreris) ad ulteriores Ordines promoveri; Generalis Concilii, & aliâ quâvis Conſtitutione contrariâ, non obſtantibus, Auctoritate prædictâ, de uberioris dono gratiæ, diſpenſamus. Proviſo quòd Cancellaria, & Eccleſiæ Curatæ prædictæ, necnon hujuſmodi beneficia, cum ea fueris aſſecutus, debitis obſequiis non fraudentur, & animarum Cura in eis, quibus illa, nullatenus negligatur. Nulli ergò omninò hominum liceat hanc Paginam noſtræ Diſpenſationis infringere, vel ei auſu temerario contra-ire: Si quis autem hoc attemptare præſumpſerit, Indignationem Omnipotentis Dei & Beatorum Petri & Pauli Apoſtolorum ejus, ſe noverit incurſurum. Dat.' Pictavis, iij Non.' Auguſti, Pontificatûs noſtri Anno ſecundo.

—which therefore is granted to one of the King's Chaplains,

—in a Diſpenſation to hold Promotions (as many as he could obtain) not exceeding 200 pounds, according to the Rate.

Proviſo, for the Cures to be duly ſerved.

Circ. 1306.

II. *Literæ Teſtimoniales ſuper Receptione Clerici in Capellanum Domeſticum, juxta formam Statuti inde nuper editi.*

Bonn. f. 31. b.

TO all Chriſtian People to whom this preſent Writing ſhall come, ſee, or hear; William Lord Parre ſendeth Greeting, in our Lord God Everlaſting: Ye ſhall underſtand, perceive, and know, that I the foreſaid William Lord Parre have taken, ſworn, and admitted into my Service, as one of the Number of my Chaplyns, Edward Watkinſon Prieſt, according to the Statute therefore lately made and provided, in the one and twentye Year of the Reign of our Sovereign Lord King Henry the eighth. In Witneſs whereof, I the foreſaid William Lord Parre, to this preſent Teſtimonial, have ſet to my Seal, and ſigned &c. with my Hand. Dated at my Mannor of Baſe, in the County of Hertford, the twenty fifth Day of October, in the 32 Year of the Reign of our Sovereign Lord King Henry the eighth.

III. *Commiſſio Magiſtri ad Facultates.*

Cranm. f.217. a.

Recites — The Act for faculties to be granted by the Archbiſhop.

— and conſtitutes a Maſter, or Commiſſary.

— and Keeper of the Seal.

THOMAS Permiſſione divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, ad infra ſcripta Auctoritate Parliamenti Angliæ legitimè ſuffultus, Dilecto nobis in Chriſto Magiſtro Nicolao Wutton, Legum Doctori, Salutem, Gratiam, & Benedictionem. Cùm nuper, per Statutum in Parliamento Angliæ editum, Nobis & Succeſſoribus noſtris fuit inter alia conceſſum, ut in quibuſvis Caſibus à jure divino non prohibitis, in quibus Romanus Epiſcopus, vel Sedes ipſa Romana, antehac diſpenſare conſuevit, ac etiam in omnibus aliis caſibus in quibus ipſe Epiſcopus vel Sedes Romana antehac diſpenſare non conſuevit, dummodo tales non forent qui à Jure divino prohibiti eſſent, in Regno Angliæ, & Locis ei Subjectis, ac cum quibuſvis Perſonis illuſtriſſimo Domino noſtro Regi Subditis & Subjectis, per nos vel ſufficientem Commiſſarium ſive Deputatum noſtrum, modo ac Formâ in dicto Statuto expreſſis, diſpenſare poſſumus; prout in eodem Statuto plenius continetur: Nos de tua Doctrinâ, Conſcientiæ puritate, ac circumſpectionis induſtriâ, ſpecialem in Domino fiduciam habentes, Tibi, pro Nobis & Succeſſoribus noſtris, ad diſpenſandum in caſibus ſupradictis, ac cum perſonis ſuperiùs expreſſis vice & auctoritate noſtris, modo ac formâ in dicto Statuto limitatis, per Te vel ſufficientem deputatum Subſtitutumve tuum, aut ſufficientes deputatos Subſtitutóſve tuos, Vices noſtras committimus, Teque Commiſſarium ſive Deputatum noſtrum ad prædictas Diſpenſationes, juxta formam dicti Statuti concedendas & expediendas, harum ſerie præficimus & conſtituimus, ac te Cuſtodem Sigilli noſtri, quoad Facultates hujuſmodi, cum omnibus & ſingulis Feodis, vadiis, proficuis, & Emolumentis quibuſcunque, prædicto Officio juxta dicti Statuti tenorem debitis vel impoſterùm qualitercunque debendis, deputamus & ordinamus per præſentes, uſque ad Terminum ſive pro tempore vitæ tuæ naturalis. In cujus rei Memoriam, Sigillum noſtrum præſentibus apponi fecimus: Datum in Manerio noſtro de Lambhithe decimo ſexto die Menſis Octobris, Anno Domini Milleſimo Quingenteſimo Triceſimo Octavo, Et noſtræ Conſecrationis Anno ſexto. 1538.

Pag. 903.

IV. *Diſpenſatio Archiepiſcopalis ſuper Pluralitate Beneficiorum.*

† Tillotſon; In Libro Facultatum.

The Arch-Bp. of Canterbury, by authority of Parliament,

— grants a Faculty to hold two Benefices, with Cure;

— and provides that due Care be taken of both, by the Perſon's Reſidence, — by Hoſpitality, — and by a reſiding Curate.

† JOHANNES, Providentiâ Divinâ Cantuar.' Archiepiſcopus, totius Angliæ Primas & Metropolitanus, ad infraſcripta Auctoritate Parliamenti Angliæ legitimè fulcitus, Dilecto nobis in Chriſto Roberto Pinchbeck Clerico, & in Artibus Magiſtro, necnon Prænobilis Caroli Comitis de Weſtmorland Sacellano Domeſtico, Salutem & Gratiam. Majores in Sacris Literis Progreſſus præmia majora poſtulant, & plures in Vitâ quotidianâ Neceſſitates plura Vitæ neceſſaria Subſidia requirunt. Quibus rebus, tuiſque in hâc parte ſupplicationibus permoti, Tecum, ut unà cum Rectoriâ Eccleſiæ Parochialis de Langton juxta Partney in Com.' & Diœc.' Lincolnienſ.' quam jam poſſides, (cujus Fructus annui, juxta Æſtimationem in Libris Primitiarum & Decimarum Beneficiorum Eccleſiaſticorum in Scaccario Dominorum noſtrorum Regis & Reginæ remanent.' factam, Summam decem Librarum, duodecim Solidorum, & duorum Denariorum non excedunt,) Rectoriam Eccleſiæ Parochialis de Ulceby cum Fordington in Comitat.' & Diœc.' prædict.' modò non diſtat à priori * ultra unum Milliare, aut eo circiter, cujuſq; item Fructus annui juxta æſtimationem prædictam, Summam novem Librarum, ſexdecim Solidorum, & ſex Denariorum, non excedunt, recipere, & quoad vixeris retinere, liberè & licitè valeas & poſſis, auctoritate prædictâ (quantum in Nobis eſt, & Jura Regni patiuntur) tenore Præſentium gratioſè diſpenſamus, Canonicis Conſtitutionibus non obſtantibus quibuſcunque. Proviſo ſemper, ut in qualibet prædictar.' Eccleſiar.' tam eâ quâ majorem ob partem te abeſſe contigerit, quàm alterâ in quâ perpetuam & perſonalem Reſidentiam feceris, treſdecim quotannis Conciones, juxta Ordinationes Eccleſiæ Anglicanæ editas in eâ parte habeas, iiſque ſacrum Dei Verbum ſincerè, religioſè & reverentèr tractes; utque in eodem Beneficio, à quo te magis abeſſe contigerit, per duos tamen Menſes quotannis Hoſpitalitatem exerceas, eóque tempore pro illius Beneficii Fructibus, & commodis Parochiæ, ejus Incolas, præſertim egenos & pauperes, quantum poteris ſuſtentes & releves. Proviſo etiam ſemper, quòd illius Eccleſiæ Curæ, à quâ te maximè abeſſe contigerit, per Miniſtrum aliquem idoneum, qui aptus ad explicandum & interpretandum Chriſtianæ Religionis Principia, Verbumque Dei Populo annunciandum, modò Facultas ejuſdem Eccleſiæ talem commodè ſuſtinere poſſit, laudabiliter intereà per omnia deſerviatur, eidemque Miniſtro competens ſufficienſq; Salarium, à loci illius Epiſcopo, ſuâ ſanâ Diſcretione, vel à Nobis aut Succeſſoribus noſtris, caſu quo Diœceſanus Epiſcopus huic Officio minimè ſatisfecerit, limitandum & aſſignandum, bonâ fide præſtetur & perſolvatur. Proviſo autem, quod hæ Literæ tibi non proficiant, niſi per Literas Patentes

* Vid. Can. XLI. p. 910.

Regiarum Majeſtatum debitè fuerint confirmatæ. Dat.' ſub Sigillo ad Facultates, octavo Die Junii, Anno Domini 1691. & noſtræ Conſecrationis Anno primo. 1691.

V. *Facultas pro deſerviendo duobus Beneficiis Exilibus, ſine Curato.*

Pag. 910.

Two Benefices, being ſmall in value, and contiguous,

—may be ſerved by the ſame Perſon.

* Whitgift; 1 Regiſtr. f.133. a.

*JOHANNES, Divinâ Providentiâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto nobis in Chriſto *Gualtero Sutton*, Vicario Eccleſiarum Parochialium de *Longſtoke* & *Leckforde* Diœceſ.' Winton, noſtræ Cantuarienſis Provinciæ, Salutem & Gratiam: Quia Vicaria tua de *Leckforde* prædicta non diſtat ſpatium unius milliaris ab Eccleſiâ tuâ de *Longſtoke*, ubi reſides, & non eſt valoris annui ſufficientis ſuſtentare & invenire Curatum, ibidem ſolummodò Servitur.' Ad adminiſtrandum igitur Divina, ac ſacramentalia, in eâdem Eccleſiâ de *Leckforde*, quamdiu reſidebis ſuper Vicaria tua de *Longſtoke* prædictâ, ac exſtiteris Vicarius de *Leckforde* prædictâ, tecum diſpenſamus, Tibíque Facultatem & Authoritatem noſtras concedimus per præſentes. Dat.' ſub Sigillo quo in hac parte utimur, quinto die Menſis Maii, Anno Domini milleſimo quingenteſimo octogeſimo ſeptimo, & noſtræ Tranſlationis anno quarto. 1587.

VI. *Commenda Eccleſiæ, pro ſpatio ſex Menſium.*

Pag. 912.

The Ordinary grants a Commendam of a Benefice, for ſix months.

* Reynolds, Regiſtr. f.250. b.

*WALTERUS, &c. Dilecto Filio Domino Thomæ de Stowe, Clerico noſtro, Salutem, Gratiam & Benedictionem. Eccleſiæ Parochialis de Icham noſtrorum Patronatûs & Diœc.' jam vacantis, utilitate penſatâ, Tibi in Sacerdotali ordine conſtituto Commendam Eccleſiæ prædictæ (juxta tenorem Conſtitutionis quæ incipit *Nemo deinceps)* ad tempus limitatum in eâdem Commendamus, & ipſam Eccleſiam ſub nomine Commendæ committimus per præſentes. In cujus rei Teſtimonium, Sigillum noſtrum præſentibus duximus apponendum. Dat.' apud Otteford, ſecundo die menſis Julii, Anno Domini milleſimo trecenteſimo vigeſimo tertio. 1323.

VII. *Commenda Eccleſiæ, pro meliori reparatione Defectuum in Domibus.*

Pag. 912.

The Houſes of a Rectory being very ruinous,

—it is granted to be held for ſix months, by way of Commendam;

—on condition, that the whole Profits be employed in Repairs and Ornaments.

† Reynolds, Regiſtr. f. 27, b. 3d.

†WALTERUS, &c. Dilecto Filio Magiſtro Roberto de Broks, Salutem, Gratiam & Benedictionem. Ruinam Domuum & Ædificiorum Eccleſiæ de Stoutyng noſtræ Diœceſis, quâ locus Rectoriæ multipliciter deformatur, cupientes debitè reformari, & Defectus hujuſmodi reparari competenter, ac prædictæ Eccleſiæ utilitate penſatâ, Tibi in Sacerdotali Ordine conſtituto, Commendam Eccleſiæ prædictæ de Stoutyng (ad quam per verum ejuſdem Eccleſiæ Patronum nobis præſentatus exiſtis) juxta tenorem Conſtitutionis quæ incipit *Nemo deinceps*, ad Tempus limitatum in eadem commendamus, & Commendam ſub nomine commendæ committimus, per præſentes. Ita tamen, quod fructus & Proventus percipiendos, tempore Commendæ ſic durante, & præmiſſorum & aliorum, tam in manſo Rectoriæ quàm Cancello, Libris, & Ornamentis, defectuum Rectoriæ contingentium, reparationem & reformationem congruam, ad utilitatem Eccleſiæ prædictæ, totaliter convertatis; quos ad uſum hujuſmodi ordinamus & decernimus convertendos: Compotum ſuper receptis & expenſis per te faciendum, juxta juris exigentiam & Commendæ naturam, necnon Compoti ejuſdem auditionem & abſolutionem nobis ſpecialiter reſervantes. Dat.' apud Maydenſtan, ſexto Idûs Aprilis, Anno Domini milleſimo CCC^{mo} viceſimo primo. 1321.

VIII. *Facultas Papalis Epiſcopo, pro Commendâ.*

Pag. 913.

The Ruins of the Church, and ſmallneſs of the Biſhoprick of *Bangor*, being repreſented to the Pope,

* Secundus. Regiſtr. Bouch. f. 7. a.

*PAULUS, Epiſcopus, Servus Servorum Dei, Venerabili Fratri Richardo Epiſcopo Bangoren.' Salutem & Apoſtolicam Benedictionem. Perſonam tuam Nobis & Apoſtolicæ Sedi devotam, tuis exigentibus meritis, paternâ Benevolentiâ proſequentes, illa tibi libenter concedimus, per quæ tibi ad ſtatum tuum juxta Pontificalis exigentiam Dignitatis ſuſtinendum, de opportunæ ſubventionis provideatur Auxilio. Exhibita ſiquidem nobis nuper pro parte tuâ Petitio continebat, quod licet Eccleſia tua Bangoren.' miſerabilem minetur ruinam, tamen quia illius menſæ Epiſcopalis fructus, reditus, & proventus, guerris & populorum rebellionibus, quæ in partibus illis diutiùs viguerunt, & aliis ſiniſ-

tris

tris eventibus id cauſantibus, adeo diminuti exiſtunt, quòd centum librarum monetæ Anglicanæ, ſecundùm communem æſtimationem, valorem annuum non excedunt; Tu, propter exilitatem fructuum hujuſmodi, ejuſdem Eccleſiæ reparationi intendere, ac ſtatum tuum decenter tenere, & alia tibi incumbentia onera commodè ſupportare non vales: Nos igitur, ne propter rei familiaris inopiam, tuæ Epiſcopalis Dignitatis obnubiletur auctoritas, providere, ac te, qui ut aſſeris, ſacræ Theologiæ, necnon Ordinis Fratrum Minorum Profeſſor exiſtis, ſpecialis gratiæ Favore proſequi volentes, Tibi, ut unà cum dictâ tuâ Eccleſiâ & quamdiu illi præfueris, quodcunque unum Regulare Ordinis cujuſcunque (quod tamen Dignitas Conventualis aut Officium Clauſtrale non ſit) ſeu Sæculare beneficium Eccleſiaſticum, cum Curâ vel ſine Curâ, etiam ſi Parochialis Eccleſia, vel ejus perpetua Vicaria, ſeu Canonicatus, & Præbenda, aut Dignitas, Perſonatus, Adminiſtratio, vel Officium, in Cathedrali Eccleſiâ Metropolitanâ vel Collegiatâ, & Dignitas ipſa ín Cathedrali Eccleſia Metropolitana poſt Pontificalem major, aut in Collegiata Eccleſia hujuſmodi principalis fuerit, & ad illam ac perſonatum, adminiſtrationem, vel officium hujuſmodi conſueverit quis per Electionem aſſumi, eique cura immineat animarum; ſi tibi aliàs canonicè conferatur, aut eligaris, præſenteris, vel aſſumaris ad illud, ſeu inſtituaris in eo; recipere & quoad vixeris in Commendam retinere, illudque ſimpliciter vel ex cauſâ permutationis (cum tibi placuerit) dimittere, & commendæ hujuſmodi cedere, & loco dimiſſi aliud ſimile vel diſſimile beneficium Eccleſiaſticum etiam recipere, & unà cum dictâ tuâ Eccleſiâ in hujuſmodi Commendam ſcilicet quoad vixeris & dictæ tuæ Eccleſiæ præfueris, retinere liberè & licitè valeas; Conſtitutionibus & Ordinationibus apoſtolicis, necnon bonæ memoriæ Octonis & Octoboni, olim in Regno Angliæ apoſtolicæ Sedis Legatorum, ac in Synodalibus & Provincialibus Conciliis editis, Statutis quoque & Conſuetudinibus Eccleſiæ in quâ hujuſmodi beneficium fuerit, & Monaſterii ſeu Regularis loci, à quo illud dependere forſitan contigerit, juramento, confirmatione Apoſtolica, vel quavis firmitate aliâ roboratis, contrariis quibuſcunque, Authoritate Apoſtolica tenore præſentium de ſpeciali gratiâ indulgemus. Volumus autem, quòd propter Commendam hujuſmodi, beneficium prædictum debitis non fraudetur obſequiis, & animarum Cura in eo (ſiqua illi immineat) nullatenus negligatur, ſed ejus congruè ſupportentur onera conſueta. Túque de Beneficii hujuſmodi fructibus, reditibus & proventibus diſponere & ordinare liberè & licitè valeas, ſicuti illud pro tempore obtinentes de eis diſponere & ordinare licitè potuerunt ſeu etiam debuerunt; Alienatione tamen quorumcunque bonorum immobilium & pretioſorum mobilium ipſius beneficii, ſub pœnis in quadam per nos ſuper hoc edita Conſtitutione contentis, tibi penitùs interdictâ. Nulli ergo omninò hominum liceat hanc paginam Conceſſionis & Voluntatis infringere, vel ei auſu temerario contraire. Siquis autem hoc attemptare præſumpſerit, Indignationem Omnipotentis Dei & Beatorum Petri & Pauli Apoſtolorum ejus, ſe noverit incurſurum.
1468. Dat.' Romæ, apud Sanctum Petrum, Anno Incarnationis dominicæ milleſimo quadringenteſimo ſexageſimo octavo, tertio Idus Martii, Pontificatûs noſtri Anno quinto.

—he grants the Biſhop any Dignity or Benefice which he can obtain,

—with Licence to change it for any other.

Proviſoe, againſt Alienation.

Pag. 913.

IX. *Facultas Archiepiſcopi Cant.' Epiſcopo, pro Commendâ retinendâ.*

*GILBERTUS, Providentiâ Divinâ Cantuar.' Archiepiſcopus, totius Angliæ Primas & Metropolitanus, ad infraſcripta Auctoritate Parliamenti Angliæ legitimè fulcitus, Dilecto nobis Reverendo in Chriſto Patri & Confratri noſtro Gulielmo Paul, ſacræ Theologiæ Profeſſori, Epiſcopo electo Oxonienſi, Salutem & Fraternam in Domino Charitatem. Æquum eſt, ut ea, quæ â nobis juſtè petuntur, libenter per nos concedantur, & licitis eorum præcipuè Poſtulationibus annueremus, quorum Merita ſpecialibus Favoribus & Gratiis digna ſunt remunerari. Hinc eſt, quòd exigentibus meritis tuæ Fraternitatis inducimur, ut, perſonam tuam ſpecialibus Favoribus & Gratiis proſequentes, illa tibi gratioſè & ſponte concedamus, quæ tuis neceſſitatibus fore conſpicimus opportuna. Exhibita ſiquidem ex parte tuâ honeſta nuper Petitio continebat, Quòd dicti Epiſcopatûs Oxon.' Fructus, Reditus, & Proventus, adeò tenues & exiles fuerunt, & ſunt, ut menſæ tuæ Epiſcopali, ac aliis dictæ Epiſcopatui incumbentibus Oneribus nullo modo ſufficiant. Unde nobis humiliter ſupplicari feciſti, quatenùs tibi de opportuno aliquo Subventionis remedio in præmiſſis, de ſpeciali Gratiâ & Auctoritate noſtris, in eâ parte providere dignaremur. Nos igitur affectantes, ut Statum tuum decentiùs juxta Pontificalis Dignitatis Exigentiam tenere & tueri poſſis; Tecum, ut unà cum Epiſcopatu Oxonienſi prædict.' Rectoriam Eccleſiæ Parochialis de Brightwell, & Rectoriam Eccleſiæ Parochialis de Chynner in Com.' & Diœc.' Oxon.' quas ritè & Canonicè adeptus es, & in præſenti obtines, cum omnibus ſuis Juribus, Membris, Emolumentis & Pertinentiis quibuſcunque, à Die datûs præſentium, & ab hâc horâ in futur.' etiam poſt Confirmationem, Conſecrationem, & Inſtallationem tuas in Epiſcopatum prædict.' ac poſt reſtitutionem tuam ad

Upon a Petition of the Biſhop of *Oxford*, repreſenting the ſmallneſs of his Biſhoprick,

—the Archbiſhop grants two Benefices to be held in Commendam with it,

* Sheldon. In Lib. off. Fac.

—and diſpenſes with Reſidence,

—provided ſufficient Curates be kept.

temporalia ejuſdem Epiſcopatûs, inſimul in Commendam retinere, habere, & poſſidere valeas & poſſis, durante vitâ tuâ naturali, & Incumbentiâ tuâ in Epiſcopatu Oxon.' prædict.' & quamdiu eidem Epiſcopatui præfueris; Ac de Fructibus, Reditibus, cæteriſque Juribus & Emolumentis Rectoriarum de Brightwell & Chynner prædict.' diſponere, & eadem in proprios tuos uſus convertere, perinde, ac in tam amplis modo & formâ, ac ſi eaſdem Rectorias in Titulum Canonicum obtineres, liberè & licitè valeas & poſſis: Ac nihilominus, ut in eiſdem Rectoriis & Eccleſiis Parochialibus reſpectivè prædict.' ad perſonalem Reſidentiam faciend.' minimè tenearis, nec à quoquam ad id invitus compelli aut coarctari poſſis, ex certâ Scientiâ & Poteſtate noſtrâ per præſentes, quantum in Nobis eſt & Jura Regni patiuntur, gratioſè diſpenſamus, ac plenam tibi concedimus Poteſtatem, ac omni meliori viâ, modo, & Juris formâ quâ poſſumus, poteſtate noſtrâ, omnes in te Defectus, ſi qui fuerint, ſupplentes, tibi Indulgemus; quibuſcunq; Canonibus, Decretis, Conſtitutionibus, Statutis ſive Ordinationibus Eccleſiaſticis generalibus & ſpecialibus, cujuſcunque Juramenti etiam vinculo confirmatis & corroboratis, in contrarium ullius præmiſſorum, non obſtantibus. Volumus etiam ſtrictéque monemus, ut in prædictis Beneficiis ſive Rectoriis reſpectivè prædict.' pro & durante toto tempore prædict.' Curati ſive idonei Miniſtri, ad divini Verbi Prædicationem ſufficientèr qualificati, ne Cura animarum in dictis reſpectivè Parochiis negligatur, & alia debita dictis Rectoriis de tempore in tempus, durante toto tempore prædict.' ſupportentur Onera. Volumus autem, quòd hæ Literæ tibi non proficiant, niſi per Literas Patentes Regiæ Majeſtatis debitè fuerint confirmatæ. Dat.' ſub Sigillo ad Facultates, ſecundo die Menſis Decembris, Anno Domini milleſimo ſexcenteſimo ſexageſimo tertio, & noſtræ Tranſlationis Anno primo. *1663.*

X. *Inſtitutio Epiſcopi recipientis Beneficium in Commendâ.*

Recites—The Biſhop of Exeter's Powers, by virtue of the firſt Commendam, to *take* Benefices,

Whitgift, part 3. f. 257. b.

—and that he was preſented to a Benefice, by the proper Patron,

—and deſired Inſtitution.

JOHANNES, Divinâ Providentiâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto nobis in Chriſto ac Venerabili Confratri noſtro Domino Willielmo eâdem Providentiâ divinâ Exonienſ.' Epiſcopo, Salutem ac Fraternam in Domino Charitatem. Cùm Nos aliàs ex certis cauſis, juſtis, rationabilibus & legitimis, nos in hac parte ſpecialiter moventibus, cum te, ut unà cum Epiſcopatu tuo prædicto duo alia Beneficia Eccleſiaſtica curata & incompatibilia, & totidem ſive plura Beneficia Eccleſiaſtica non curata, vel Saltem quæ Curam Animarum habere non cenſentur juxta Statuta hujus Regni, ſeu Præbendas, Canonicatus, Archidiaconatus, ſeu aliàs Dignitates Eccleſiaſticas, etiam de majoribus poſt Pontificalem, in Eccleſiâ Cathedrali Divi Petri Exon.' prædict.' per to, Arbitrio tuo, quoties & quandocunque vacare reſpective contigerint Eligendas, cujuſcunque Nominis, Qualitatis, Naturæ, Taxæ, ſive Valoris, ſint aut fuerint; modò & Curatorum & non Curatorum Beneficiorum & Dignitatum prædict.' annuus Reditus ſimul conjunctus non excedat Summam. Ducentarum Librarum juxta Taxationem jam factam in Scaccario Dominæ noſtræ Reginæ; capere, accipere, habere, & in Commendam retinere, gaudere & poſſidere, ac Fructus & Proventus eorum & eorum cujuſlibet, in ſuos proprios uſus & utilitatem convertere, applicare, ac de eiſdem pro ſuo Arbitrio diſponere & ordinare, liberè & licitè poſſis & valeas, auctoritate prædictâ, quantum in nobis eſt & Jura Regni patiuntur, de Gratia ſpeciali diſpenſaverimus, & tibi indulſerimus; prout per Literas noſtras Patentes tibi in eâ parte factas, ac Sigillo noſtro ad Facultates ſigillatas, necnon per Literas Patentes regias, juxta tenorem cujuſdam Actûs Parliamenti Angliæ in ea parte editi, debitè confirmatas, plene liquet & apparet; Cumque nuper Eccleſia Parochialis de Silferton, Exon.' Dioc.' prædict.' cujus annuus valor in Libris Primitiarum Dominæ noſtræ Reginæ æſtimatur ad Summam li *l.* viij *s.* iiij *d,* per Mortem naturalem nuper Venerabilis Viri *Willielmi Marſton*, Legum Doctoris, ultimi Incumbentis & Rectoris ejuſdem, vacaverit, atque Generoſus Vir *Otho Peter* de Bowhey, in Comitatu Devon', Armiger, te præfatum Reverendum Patrem Confratrem noſtrum Exon.' Epiſcopum ad dictam Rectoriam & Eccleſiam Parochialem de Silferton.' prædict.' per Literas ſuas Præſentationis, geren.' dat.' decimo die Menſis Martii Anno Domini juxta &c. 1599 ſigillat.' & pro facto ſuo tradit.' legitimè præſentaverit, noſque quatenus Te ad dictam Eccleſiam cum ſuis Juribus & Membris univerſis admittere & inſtituere, ac realiter induci mandare dignaremur, humiliter petierit, cumque tu prænominatus Reverendus Pater, Confrater noſter, Rectoriam & Eccleſiam hujuſmodi in Commendam, virtute dictarum literarum noſtrarum diſpenſationis recipere & acceptare, & ad ac in hujuſmodi Rectoriam & Eccleſiam Parochialem admitti, inſtitui & induci mandari debito cum honore petieris, nos, petitionibus veſtris hujuſmodi favorabiliter annuentes, ad dictam igitur Eccleſiam Parochialem de Silferton.' prædict.' modo per mortem antedicti Magiſtri Willielmi Marſton (ut dicitur) vacantem, & ad Præſentationem præfati Othonis Peter (hac vice) ſpectantem, Te (primitùs de agnoſcendo Regiam ſupremam Poteſtatem in Cauſis Eccleſiaſticis & Temporalibus, ac de renunciando, refutando & recuſando, omni & omnimodæ Juriſdictioni, Poteſtati, Auctoritati, & Superioritati, Foraneis, juxta vim,

formam

ſormam & effectum Statuti Parliamenti hujus inclyti Regni Angliæ in eâ parte editi & proviſi, necnon de ligitimâ & Canonicâ Obedientiâ nobis & Succeſſoribus noſtris in omnibus licitis & honeſtis mandatis per te præſtandâ & exhibendâ, ad Sancta Dei Evangelia rite jurato) admittimus, Téque Rectorem ejuſdem ac in & de eadem inſtituimus Canonicè & inveſtimus, cum ſuis Juribus, Membris, & Pertinentiis univerſis, Curamque & Regimen Animarum Parochianorum ibidem tibi in Domino committentes, & committimus per præſentes, Juribus noſtris Archiepiſcopalibus Cantuarien.' & Epiſcopalibus Exon.' necnon Eccleſiæ noſtræ Cathedralis & Metropoliticæ Chriſti Cantuarienſis & Eccleſiæ veſtræ Cathedralis Exon.' Dignitatibus & Honoribus in omnibus ſemper ſalvis. In cujus rei Teſtimonium Sigillum (quo in hac parte utimur) præſentibus apponi fecimus. Datum
1600. ——— die menſis ——— Anno Domini Milleſimo & Sexcenteſimo, Et noſtræ Tranſlationis Anno decimo ſeptimo.

The Archbiſhop Inſtitutes.

XI. *Mandatum ad Inducendum Epiſcopum, Inſtitutum ad Beneficium in Commendâ.*

Whitgift, part 3. f.258, a.

JOHANNES, Divinâ Providentiâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto nobis in Chriſto Domino Archidiacono Exon.' ejúſve Officiali cuicunque, Salutem & Gratiam. Cùm Nos &c. † Vobis igitur conjunctim & diviſim committimus ac firmiter injungendo mandamus, quatenùs eundem Venerabilem Confratrem noſtrum, Dominum Willielmum Exon.' Epiſcopum antedictum, vel Procuratorem ſuum legitimum, ejus Nomine ac pro eo, in realem, actualem & corporalem Poſſeſſionem ejuſdem Eccleſiæ Parochialis de Silferton prædict.' Juriumque, Membrorum, & Pertinentium ſuorum univerſorum inducatis, inducive faciatis, & defendatis inductum. Et quid in præmiſſis feceritis, Nos aut Vicarium noſtrum in Spiritualibus Generalem & Officialem ptincipalem, aliumve Judicem in hac parte competentem, quemcunque, cùm ad hoc congruè ex parte antedicti Confratris noſtri fueritis requiſiti, debitè Certificetis. Datum ſub Sigillo quo in hac parte utimur ——
1600. —— die Menſis ——— Anno Domini Milleſimo Sexcenteſimo, Et noſtræ Tranſlationis Anno decimo ſeptimo.

Mandate to induct.

† [Here the Act of Inſtitution is recited, in Subſtance, as before.]

SECT. XII.

UNION *and* DIVISION *of* CHURCHES.

I. *Unio perpetua duorum Beneficiorum.*

2 Chichly Regiſtr. f. 159, b.

UNIVERSIS Sanctæ Matris Eccleſiæ Filiis, ad quos præſentes literæ pervenerint, Matthæus Aſhton, Legum Doctor, Præpoſitus Eccleſiæ Collegiatæ de Wyngham Cantuarien.' Diœc.' Cuſtos Spiritualitatis Epiſcopatûs Norwicen.' Sede ibidem vacante, Reverendiſſimique in Chriſto Patris & Domini, Domini Henrici Dei Gratiâ Cantuarien.' Archiepiſcopi, totius Angliæ Primatis & Apoſtolicæ Sedis Legati, Commiſſarius ad infraſcripta ſpecialiter deputatus, Salutem in Domino ſempiternam. Literas Commiſſionis dicti Reverendiſſimi Patris nobis directas, cum ea qua decuit reverentia nuper recepimus, tenorem qui ſequitur per omnia continentes.

The Archbiſhop, as ordinary, *Sede vacante,*

Henricus Permiſſione Divinâ Cantuarien.' Archiepiſcopus, totius Angliæ Primas & Apoſtolicæ Sedis Legatus, Dilecto in Chriſto Filio Magiſtro Matthæo Aſhton, Legum Doctori,

—grants a Commiſſion, to Enquire in order to an Union, Doctori, Præpoſito Eccleſiæ Collegiatæ de Wyngham noſtræ Diœc.' Cuſtodi noſtro Spiritualitatis Epiſcopatûs Norwicen.' Sede ibidem vacante, Salutem, Gratiam & Benedictionem: Expoſita Nobis pro Parte Venerabilis Viri Domini Edmundi Thorpe Militis, Eccleſiæ Parochialis Sancti Petri de Nelond cum Eccleſiâ ſive Capellâ beatæ Mariæ Virginis de Wenyngham eidem annexa & unita, dictæ Norwicen.' Diœc.' Patroni, Petitio continebat, quòd Eccleſiæ prædictæ Parochiani ita decreſcebant & decreſcunt, quòd Fructus, Reditus & Proventus ejuſdem, & quæcumque Jura Parochialia ad eandem pertinentia & provenientia, non ſufficiunt ad ſuſtentationem unius Capellani, in tanto quòd aliquis Capellanus qui vult eidem Eccleſiæ & Parochianis in Divinis Officiis, propter exilitatem Fructuum ejuſdem, deſervire minimè reperitur, ſic quòd Parochiani ejuſdem ſine Sacramentis & Sacramentalibus Eccleſiaſticis moriuntur, cultúſque Divinus vilipenditur, ac alia plura mala & ſcandala eo prætextu oriuntur; Unde dictus exponens nobis humiliter ſupplicavit, quatenùs dictam Eccleſiam cum Capella, ſuis Juribus & pertinentiis univerſis, Eccleſiæ Parochiali Omnium Sanctorum de Wenyngham, cujus Eccleſiæ Abbas & Conventus de Creyk ac Prioriſſa & Conventus de Carhaw ejuſdem Diœc.' Patroni exiſtunt, quarum Eccleſiarum Fructus, Supportatis Oneribus, decem Librarum valorem annuum communibus annis non excedunt, concurrentibus conſenſu & aſſenſu omnium quorum intereſt & legitimè præhabitis, propter exilitatem Fructuum hujuſmodi Beneficiorum, & alia præmiſſa, unire, annectere, & incorporare, Curámque Animarum dictæ Eccleſiæ Sancti Petri cum Eccleſia ſive Capella beatæ Mariæ prædict.' Rectori dictæ Eccleſiæ Omnium Sanctorum pro tempore exiſtenti adjicere, cæteráque in præmiſſis requiſita adimplere dignaremur gracioſè: Ad inquirendum igitur inquirive faciendum in formâ juris de & ſuper præmiſſis & aliis juxta Juris exigentiam, dictis partibus & Patronis in ſpecie, ac omnibus aliis quorum intereſt in genere, coram vobis legitimè vocatis, in dicto negotio procedendum & cognoſcendum, Ipſúmque, cum omnibus ſuis incidentibus, emergentibus, dependentibus & connexis quibuſcumque examinandum, habitóque conſenſu omnium quorum intereſt, & veritate præmiſſorum compertâ, ſervatóque proceſſu legitimo in hac parte requiſito, finaliter expediendum; noſtrâ & ſucceſſorum noſtrorum, & Epiſcopi Norwicenſis qui pro tempore fuerit, ac aliorum quorum intereſt Indempnitate ſemper ſalvâ; Vobis, de cujus fidelitate & circumſpectionis induſtria plenam in Domino fiduciam obtinemus, Committimus vices noſtras & plenariam auctoritatem, cum cujuſlibet Coercionis Canonicæ poteſtate. Et quid feceritis in præmiſſis, nos, dicto negotio expedito, debitè certificetis per literas veſtras Patentes, harum ſeriem continentes, Sigillo autentico conſignatas. Dat.' in Manerio noſtro de Otteford, Octavo die Menſis Januarii, Anno Domini Milleſimo CCCC^{mo} & xv^{mo} & noſtræ Tranſlationis Anno ſecundo.

—and to unite:

Purſuant to which, the ſaid Commiſſary, having firſt Enquired,

Nos igitur Matthæus Aſhton, Cuſtos & Commiſſarius ſupradictus, Volentes dictas Commiſſionis literas Nobis directas, juxta diſcretionem nobis divinitùs inſpiratam, in quantum poſſumus, ut tenemur, executioni debitæ demandare; Ipſarum literarum vigore & auctoritate, ſuper præmiſſis, ſuggeſtis omnibus & ſingulis & eorum circumſtantiis, vocatis omnibus quorum intererat, juxta Exigentiam dictarum literarum, legitimè procedentes; Inquiſitionem fieri fecimus diligentem pariter & fidelem. Et quia per Inquiſitionem hujuſmodi, & alia legitima Documenta coram nobis exhibita, comperimus evidenter dicta ſuggeſta veritatem in omnibus continere, & quòd dictus Dominus Edmundus Thorp Miles, poſtquam prædicta ſuggeſta præfato Reverendiſſimo Patri ſic, ut præmittitur, totum jus Patronatûs dictæ Eccleſiæ Omnium Sanctorum de Wrenyngham à præfatis Religioſis Abbate & Conventu de Creyk, ac Prioriſſa & Conventu de Carhaw, habendum ſibi & Hæredibus ſuis imperpetuum integraliter perquiſivit, necnon ipſius Domini Edmundi petitionem in hac parte fore conſonam rationi; Cauſas ipſas ad unionem, annexionem & conſolidationem dictarum Eccleſiarum faciendum, vocatis coram nobis omnibus quorum intereſt, ac concurrentibus omnibus & ſingulis quæ de jure requiruntur in hac parte veras, juſtas & legitimas, ac ſufficientes fuiſſe & eſſe pronunciamus, declaramus, & decernimus per præſentes; dictámque Eccleſiam Sancti Petri de Nelond cum Eccleſia ſive Capella Beatæ Mariæ de Wrenyngham eidem annexa & unita, vacantem, præfatæ Eccleſiæ Parochiali omnium Sanctorum de Wrenyngham etiam vacanti, de & cum conſenſu dicti Domini Edmundi utriuſque Eccleſiæ ſic uniendæ Patroni, omniumque aliorum quorum intereſt in hac parte, Conſolidamus, Unimus, & Annectimus, Curamque Animarum Parochianorum ipſius Eccleſiæ Sancti Petri cum Eccleſia ſive Capella eidem annexa & unita, Rectori dictæ Eccleſiæ Parochialis omnium Sanctorum de Wrenyngham pro tempore exiſtenti adjicimus per præſentes, dictáſque Eccleſias ſic unitas, ut unicum beneficium de cætero exnunc haberi & reputari, ac per unicam perſonam idoneam, ad præſentationem dicti Domini Edmundi Thorp Patroni prædicti & Hæredum ſuorum per loci Diœceſanum pro tempore exiſtentem, in eis Canonicè inſtituendam, perpetuis temporibus poſſidendum, Volumus & decernimus per præſentes. Salvis dicto Reverendiſſimo Patri Domino Cantuarienſi Archiepiſcopo, ac Succeſſoribus ſuis, Sede Epiſcopali Norwicenſi

—and having the Conſent of all Parties,

—Pronounces the Union;

cenſi vacante, ac Epiſcopo Norwicenſi futuro, & Succeſſoribus ſuis pro tempore exiſtentibus, primis Fructibus Eccleſiarum prædictarum in ſingulis vacationibus earundem fideliter perſolvendis: Salvâ etiam dicto Reverendiſſimo Patri & Succeſſoribus ſuis, Sede prædictâ vacante, ac Epiſcopo ejuſdem Sedis & ſuis Succeſſoribus, dictâ Sede plenâ, annuâ Penſione ſex Solidorum & octo Denariorum in ſingulis vacationibus earundem Eccleſiarum, in recompenſationem Inſtitutionis dictæ Eccleſiæ Sancti Petri cum Eccleſia ſive Capella prædicta eidem annexa, ac aliorum dampnorum & incommodorum quæ ex præmiſſis unione & conſolidatione dictis Reverendis Patribus & eorum Succeſſoribus evenire poterunt veriſimiliter in futurum: Salvis etiam eiſdem Reverendis Patribus ſupradictis, & eorum ſucceſſoribus, conſuetudinibus Archiepiſcopalibus, Epiſcopalibus, ac Archidiacono Norff.' qui pro tempore fuerit, Procurationibus, & aliis Juribus Archidiaconalibus debitis & conſuetis, ac Eccleſiæ Cathedralis Norwicenſis jure ac etiam dignitate. In quorum omnium fidem, & teſtimonium præmiſſorum, præſentes literas, ſive præſens publicum Inſtrumentum, per Johannem Exceſtre Clericum, Notarium Publicum ſubſcriptum, tam in præmiſſo Inquiſitionis, quàm in præſentis Unionis, annexionis, & conſolidationis negotio, ſcribam, tranſcriptum, ſcribi & publicari mandavimus, ac ſigilli quo in hoc utimur officio fecimus appenſione muniri. Dat.' & Acta ſunt hæc, prout ſupraſcribuntur & recitantur, per Nos Matthæum Aſhton, Cuſtodem & Commiſſarium ſupradictum, anno ab Incarnatione Domini, ſecundùm curſum & computationem Eccleſiæ Anglicanæ, Milleſimo CCCC° quintodecimo, Indictione nonâ, Sede Apoſtolicâ, ut aſſeritur, paſtore carente, menſis Februarii die quintodecimo, in Capella palacii Norwici; præſentibus diſcretis Viris Magiſtris Willielmo Bernham & Roberto Erpyngham in decretis Bacalariis; Henrico Penwortham, Johanne Folſham, Johanne Wade, & Roberto Randes, Notariis publicis, Teſtibus ad præmiſſa vocatis ſpecialiter & rogatis.

—with Savings to the Rights of Archbiſhop and Biſhop, —and of the Archdeacon.

Et Ego Johannes Exceſtre, Clericus, Exonien.' Diæc.' publicus auctoritate Apoſtolicâ Notarius, tam in Inquiſitione ſuper præmiſſis ſuggeſtis ut præmittitur captâ, quàm in præfato unionis, annexionis & conſolidationis negotio, actorum ſcriba, præmiſſis omnibus & ſingulis, dum ſic ut ſuperiùs recitantur, ſub Anno, Indictione, Menſe, Die & Loco prædictis, per præfatum Magiſtrum Matthæum, Cuſtodem & Commiſſarium ſupradictum, agerentur & fierent, præſens perſonaliter interfui, unà cum Teſtibus antedictis; eáque ſic fieri vidi & audivi, ſcripſi, publicavi, & præmiſſa in hanc publicam formam redegi; hic me ſubſcribendo, ac ſignum meum ſolitum & conſuetum hic apponendo, unà cum appenſione ſigilli Cuſtodis & Commiſſarii ſupradicti, & de ejus mandato, in fidem & teſtimonium omnium præmiſſorum.

1415.

II. *Mandatum ad inquirendum ſuper Cauſis Unionis duarum Medietatum; cum Inquiſitione.*

Edingdon Witon. prima pars, f. 124.

Recites — The Petition of the Patrons for an Union.

WILLIELMUS Permiſſione Divinâ Winton.' Epiſcopus, Dilecto Clerico noſtro Magiſtro Johanni Corff, Canonico Wellen', & dilecto in Chriſto Filio Archidiacono noſtro Surriæ Offic', Salutem, Gratiam & Benedictionem. Ex Parte Johannis de Kyngesfold unius Medietatis, & Thomæ de Jarpennil alterius Medietatis Eccleſiæ Parochialis de Abyngworth, noſtræ Dioceſ.' dicentium ſe Patronos, nobis extitit intimatum, quòd dictæ Medietates ſive Porciones adeo ſunt tenues & exiles, quòd neutra per ſe ſufficit, aut ſufficere poterit, ad Suſtentationem unius Curati ſeu Rectoris ejuſdem, præſertim ad onera eidem & dictæ Eccleſiæ Occaſione ejuſdem incumbentia, ſupportanda: immo vix, modernis temporibus, dictæ duæ Porciones, etiam ſi eſſent unitæ, ſufficienter uni Curato pro ejus Suſtentatione congruâ & Oneribus eidem incumbentibus debitè ſubeundis. Quocirca nobis humiliter ſupplicârunt, quatenus dictas Porciones ſive Medietates ejuſdem Eccleſiæ, quæ per duos Curatos ſive Rectores conſuevit hactenus gubernari, annectere & unire, ac unam & ſolidam Porcionem de eiſdem, auctoritate pontificali facere dignaremur. Nos igitur, volentes in hujus Negotio, prout decet, Juris Ordinem obſervare, & de Cauſis præmiſſ.' nobis ſuggeſtis, ac valore omnium & ſingulorum Fructuum, Reddituum, & Proventuum, ad utramque Medietatem dictæ Eccleſiæ, ſeu cujuſlibet earundem obvenientium, necnon de earum viribus & partium univerſis, ac Jure Patronatûs & præſentandi ad Medietates eaſdem, & ad quos vel quem Jus Patronatûs hujus hactenus pertinuit, ſeu pertinet in præſenti, & de verâ taxâ Portionum earundem, necnon de aliis hujus negotii circumſtantiis, effici certiores, Vobis, & cuilibet veſtrûm in ſolidum committimus & mandamus, quatenus ad dictam Eccleſiam & Portiones ejuſdem perſonaliter accedentes, de Præmiſſis omnibus & ſingulis, per Rectores & Vicarios Decanatûs in quo dicta conſiſtit Eccleſia, in numero ſufficienti ad hoc convocandos, necnon Parochianos dictæ Eccleſiæ, inquiratis diligentius veritatem, & eam fideliter conſcribentes, ad Nos, hujuſmodi expedito negotio, cum tenore præſentium, ſub veſtris Sigillis tranſmittatis incluſam,

The Biſhop's Mandate, to enquire into the Values, &c.

Dat.' apud Wergue[a] primo die menſis Julii, Anno Domini Milleſimo CCC^{mo} lxiiij^{to}, & noſtræ Conſecrations xix°. 1364.

III. *Procuratorium Patroni, ad conſentiendum Unioni.*

a Chich. f. 159, a.

PATEAT univerſis per præſentes, quòd Ego Edmundus Thorp Miles in Comitatu Norfolciæ, in Negotio Unionis, Annexionis, & Incorporationis Eccleſiæ . . . . . Sancti Petri de Wrenyngham, cum Capella Beatæ Mariæ eidem annexâ, Eccleſiæ parochiali omnium Sanctorum de Wrenyngham, per Venerabilem Virum Magiſtrum Mattheæum Aſhton Legum Doctorem, præpoſitum Eccleſiæ Collegiatæ de Wyngham Cantuarien.' Dioc.' Cuſtodem Spiritualitatis Norwicen.' Epiſcopatûs, Sede ibidem vacante, Reverendiſſimi in Chriſto Patris ac Domini, Domini Henrici, Dei Gracia Cantuarienſis Archiepiſcopi, totius Angliæ Primatis, & Apoſtolicæ Sedis Legati, Commiſſarium in hac parte ſpecialiter deputatum, in eventu fiend'; Dilectos michi in Chriſto Johannem Snytell & Thomam Arteys Clericos, conjunctim & diviſim, & utrumque eorum inſolidum, ita quòd occupantis non ſit melior Conditio, ſed quod unus eorum inceperit uterque eorundem liberè proſequi valeat, mediare & finire, meos veros legitimos & indubitatos Procuratores, Actores, Factores, Negotiorum Geſtores, & Nuncios ſpeciales ordino, facio, & conſtituto per præſentes. Dans & concedens eiſdem Procuratoribus, & eorum utrique, conjunctim & diviſim ut præmittitur, plenam Poteſtatem, & tàm generale quam ſpeciale Mandatum, pro me & nomine meo . . . . coram dicto Magiſtro Matthæo Aſhton, ejuſve Commiſſario ſeu Commiſſariis quibuſcunque, deputatis ſeu deputandis, quotiens & quando me abeſſe contigerit, vel adeſſe, comparend.' pro Jure & intereſſe meis in hac parte proponendis, & quatenus expedit juxta Juris Exigentiam probandis, dictiſque Unioni, Annexioni, & Incorporationi in futurum, ut præmittitur, fiendis & expediendis conſentiend', & ſi neceſſe fuerit diſſenſiend', cæteraque omnia & ſingula faciend', exercend', & expediend', quæ in præmiſſis & circa ea neceſſaria fuerint vel eciam opportuna. Ratum, gratum, firmum, & ſtabile perpetuò habiturum, totum & quicquid dicti Procuratores mei, ſeu eorum alter fecerint ſeu fecerit in præmiſſis, & ſingulis Præmiſſorum, ſub ypotheca & obligatione bonorum meorum promitto, & Cautiones expono per præſentes, Sigillo meo conſignat. Dat.' apud Thorp, primo Die Februarii, Anno Domini 1416. 1416.

IV. *Unio temporariâ duorum Beneficiorum.*

Pag. 916.

* Sancroft; Regiſtr. f. 384. a.

Upon giving Inſtitution to a ſmall Benefice,

*WILLIELMUS, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto nobis in Chriſto Alexandro Innes Clerico & in Artibus Magiſtro, Vicario Vicariæ perpetuæ Eccleſiæ Parochialis de Sibertſwold, aliàs Shepherdſwell, noſtræ Cantuarienſis Diœceſeos, Salutem & Gratiam. Cum (uti informamur) Vicariæ perpetuæ dictæ Eccleſiæ Parochialis de Sibertſwold aliàs Shepherdſwell, fructus, reditus, proventus, decimæ, & emolumenta, valorem annuum ſex Librarum Legalis monetæ Angliæ Cenſu Regio non excedentes, adeò tenues & exiles ſint, ut ad congruam ſuſtentationem tuam, juxta Clericalis Ordinis Decentiam, minimè ſufficiant, nec ſufficere poſſint in futurum; Cúmque etiam Vicaria perpetua Eccleſiæ Parochialis de Colread, dictæ noſtræ Cantuarienſis Diœceſeos, per mortem naturalem Jonæ Owen Clerici, ultimi Vicarii & Incumbentis ibidem, modò vacua & Vicario deſtituta exiſtat, quæ quidem Vicaria perpetua Eccleſiæ Parochialis de Colread prædict.' eidem Vicariæ de Sibertſwold, aliàs Shepherdſwell, admodùm vicina eſt; cujus etiam fructus, reditus, proventus, & decimæ, valorem annuum ſex librarum, duorum ſolidorum, & ſex denariorum, legalis monetæ Angliæ Cenſu Regio non excedentes, ad congruam ſuſtentationem Vicarii ibidem pro tempore exiſtentis minimè ſufficiant ſeu ſufficere poſſint, in futurum: Eandem igitur Vicariam perpetuam Eccleſiæ Parochialis de Colread prædict.' ſic (ut præfertur) vacantem, & ad noſtram Donationem ſive Collationem pleno Jure ſpectantem, Tibi (primitùs non ſolùm de agnoſcendo Regiam ſupremam Poteſtatem in Cauſis Eccleſiaſticis & Temporalibus, ac de renunciando, refutando & recuſando omnem & omnimodam Juriſdictionem, poteſtatem, authoritatem, & ſuperioritatem, foraneas, ac de fidelitate & allegiantiâ eidem Regiæ Sublimitati præſtandâ, juxta vim, formam & effectum Statuti Parliamenti hujus inclyti Regni Angliæ in eâ parte editi, necnon de legitimâ & Canonicâ Obedientiâ Nobis & Succeſſoribus noſtris exhibendâ, verùm etiam de continuò & perſonaliter reſidendo in eâdem Vicariâ perpetuâ, juxta Conſtitutiones & Canones Eccleſiaſticos in ea parte edit.' & proviſ.' ad ſancta Dei Evangelia ritè jurato) Charitatis intuitu Conferimus, Téque Vicarium perpetuum ejuſdem, ac in & de eâdem, Inſtituimus Canonicè

—and the nearneſs of another ſmall Benefice to it, Canonicè & Inveſtimus, cum ſuis Juribus & Pertinentiis univerſis; Curam & Regimen Animarum Parochianorum ibidem Tibi in Domino committentes, & committimus per præſentes (juribus noſtris Archiepiſcopalibus Cantuarien.' & Eccleſiæ Cathedralis & Metropoliticæ Chriſti Cantuarienſis Dignitate & Honore, in omnibus ſemper Salvis:) Necnon dictam Vicariam perpetuam Eccleſiæ Parochialis de Colread prædict.' cum ſuis Juribus & pertinentiis univerſis, ex cauſis prædictis, & aliis coram nobis propoſitis, & per Nos (prævio examine) debitè approbatis, eidem Vicariæ perpetuæ Eccleſiæ Parochialis de Sibertſwold, aliàs Shepherdſwell prædict.' (durante tuâ Incumbentiâ in eâdem Vicariâ de Sibertſwold, aliàs Shepheardſwell, & quamdiu fueris Vicarius ibidem, & non aliter) Authoritate noſtrâ unimus & annectimus per præſentes: Ita quòd tu præfatam Vicariam perpetuam Eccleſiæ Parochialis de Sibertſwold aliàs Shepheardſwell prædict.' unà cum dictâ Vicariâ de Colread prædict.' unius tantummodò Beneficii nomine, quamdiu fueris Vicarius ejuſdem Vicariæ de Sibertſwold aliàs Shepheardſwell retinere, fructúſque, reditus, & proventus utriuſque Vicariæ recipere, & in tuos uſus & utilitatem convertere & applicare, liberè & licitè poſſis & valeas. Proviſo nihilominus, quòd neutra prædictarum Eccleſiarum Divinarum Precum celebratione & Sacramentorum Adminiſtratione, aliiſque debitis fraudetur obſequiis, & quòd Animarum Cura in eiſdem reſpectivè nullatenùs negligatur, ſed earundem onera debita & conſueta congruè ſupportentur. In cujus rei Teſtimonium, ſigillum noſtrum Archiepiſcopale præſentibus apponi fecimus. Dat.' ex Ædibus Lambethan.' viceſimo primo die Menſis Aprilis, Anno Domini milleſimo ſexcenteſimo octogeſimo, noſtræque Conſecrationis Anno tertio.

1680.

—not only Inſtitution is granted to the firſt,

—but Union of the two, during the life of the Incumbent;

—with Proviſion that neither Cure be neglected.

V. *Licentia Clerico ad inſimul retinendum duas Rectorias, Ratione Paupertatis earundem, durante vitâ.*

Grind. f. 186.

EDWINUS Permiſſione Divinâ London.' Epiſcopus, Dilecto Nobis in Chriſto Johanni Peirſon Clerico, Salutem in Domino. Meritis tuæ probitatis inducimur ut te favoribus & gratiis proſequamur; hinc eſt quòd Nos volentes Te, qui (ut aſſeris) Rectoriam Eccleſiæ parochialis de Greenford parvâ, noſtrarum London.' Diœceſ.' & Juriſdictionis, cujus Fructus, Redditus, & Proventus, non ultra Summam ſex Librarum, treſdecim Solidorum, & quatuor denariorum per Annum (ut ſimilitèr aſſeris) ſe extendunt, antehàc aſſecutus es, ac in præſenti poſſides, ac inſuper in Eccleſiam parochialem & Rectoriam de Twyford, peculiaris Juriſdictionis Decani & Capituli Eccleſiæ Sancti Pauli London', cujus item Fructus, Redditus, & Proventus, Summam trium Librarum per Annum (ut ſimilitèr aſſeris) non excedunt, Te per dictos Decanum & Capitulum inſtitui & induci petis, tàm exilitatis fructuum dictæ Eccleſiæ parochialis de Twyford, quam Vicinitatis ejuſdem ad dictam Eccleſiam de Greenford parvâ intuitu, favore proſequi gratioſo; Ut igitur Rectoriam dictæ Eccleſiæ parochialis de Greenford parvâ, per Te, ut præfertur, obtentam, & prædictam Eccleſiam de Twyford, ac Rectoriam ejuſdem, poſtquam eandem legitimè aſſecutus fueris, in omnibus & per omnia, quoad vixeris, ſimul retinere & poſſidere licitè valeas & poſſis, quantùm ad Nos attinet, & de Jure poſſumus, & non alitèr, neque alio modo, Tibi Licentiam & Facultatem concedimus & impartimur: Teque in ea parte, quantùm ad nos attinet & de Jure poſſumus, ad præmiſſa (dummodo dictæ Eccleſiæ debitis non fraudentur Obſequiis, aut Animarum Cura ibidem nullatenus negligatur) tolleramus & permittimus per præſentes; Juribus noſtris Epiſcopalibus, & Eccleſiæ noſtræ Cathedralis Divi Pauli London.' prædict.' dignitate & honore in omnibus ſemper ſalvis. In cujus Rei Teſtimonium, Sigillum noſtrum Epiſcopale præſentibus apponi fecimus. Dat.' quinto die menſis Martii, Anno Domini, juxta Computationem Eccleſiæ Anglicanæ, milleſimo quingenteſimo ſeptuageſimo quinto, noſtræque Tranſlationis Anno quinto.

1575.

Recites—That the two Livings are of ſmall value, and near,

—and grants leave to hold them together during Life.

VI. *Unio Rectoriæ & Vicariæ, ejuſdem Eccleſiæ.*

Pag. 916.

† Reynolds; Regiſt. f. 102. b.

† WALTERUS &c. Dilecto Filio Ricardo de Novo Caſtro, Rectori Eccleſiæ de Wycham noſtræ Diœceſis, Salutem, Gratiam, & Benedictionem. Exhibita nobis tua petitio continebat, quòd Vicariam Eccleſiæ tuæ jam vacantem, Rectori ac Rectoriæ ejuſdem Eccleſiæ Unire ac Conſolidare curaremus, præſertim cùm onus Curæ Parochialis Eccleſiæ ipſi incumbentis, in te ſuſcipere & totaliter adimplere per te ipſum, offeras te paratum: Nos igitur advertentes, quòd qui Parochialem habet Eccleſiam, non per Vicarium ſed per ſeipſum illi deſervire debet, in Ordine quem ipſius Eccleſiæ Cura requirit, niſi in paucis caſibus exceptis, ſecundùm Canonicas Sanctiones; Quòdque, Eccleſiâ ſic diviſâ, Sanctorum Patrum Conſtitutiones redintegrari præcipiunt, quàm citò ad id obtulerit ſe facultas; Tibi, dum Tu velis & poſſis,

The Rector having ſignified, that he is willing to take upon him the whole Cure,

—the Ordinary unites the Rectory and Vicarage.

in Ordine quem Cura ipſius Eccleſiæ requirit, Eccleſiæ tuæ prædictæ deſervire per teipſum, & eidem Eccleſiæ Vicariam ipſam & ipſius portiones, omnibus concurrentibus quæ de jure requiruntur, juxta Sacrorum Canonum Inſtituta & ſanctorum Patrum Decreta, de quibus ſupra ſit mentio, in Dei Nomine Unimus, Conſolidamus, & ipſam Eccleſiam Redintegramus omnino. In cujus rei Teſtimonium, &c. Dat.' apud Lamehith, ſeptimo Kalend.' Aprilis Anno Domini Milleſimo Trecenteſimo Vigeſimo Secundo. 1322.

VII. *Diſunio Capellæ ab Eccleſiâ Parochiali.*

Stokeſly f. 38, b

Recites, —The Grant made by the Religious to the Lord Audley, of the Chapel, in order to be re-edify'd,

—and the Conſent of the Incumbent;

—both which are ratify'd by the Biſhop.

OMNIBUS Chriſti Fidelibus ad quos præſens ſcriptum pervenerit, Johannes Dei Gratia London.' Epiſcopus, Salutem. Inſpeximus quandam Cartam, per Thomam permiſſione divinâ Abbatem Monaſterii Sancti Johannis Colceſtriæ, & ejuſdem Monaſterii Conventum, veros & indubitatos Patronos Eccleſiæ Sanctæ Trinitatis Villæ Colceſtriæ, ac per Willielmum Jay Clericum, Rectorem ejuſdem Eccleſiæ, Thomæ Audley Militi Domino Cancellario Angliæ confect', & ſub Sigillo communi ipſorum Abbatis & Conventûs, ac ſub Sigillo dicti Rectoris ſigillat', cujus quidem tenor ſequitur in hæc verba. Omnibus Chriſti Fidelibus ad quos præſens ſcriptum pervenerit, Thomas Permiſſione divinâ Abbas Monaſterii Sancti Johannis Colceſtriæ, & ejuſdem Monaſterii Conventus, veri & indubitati Patroni Eccleſiæ Parochialis Sanctæ Trinitatis Villæ Colceſtriæ, & Willielmus Jay Clericus, Rector ejuſdem, Salutem: Cum Eccleſia ſive Capella . . . . . Sancti Michaelis, vocat Bere Church, ſituat.' in Hamelecta de Weſt Donyland in Com.' Eſſexiæ, London.' Diœceſ.' olim Eccleſia parochialis fuit, & jam eſt quam plures Annos elapſos fuit Capella annexa prædictæ Eccleſiæ Parochiali Sanctæ Trinitatis, Sciatis me præfatum Gulielmum Jaye, Rectorem Eccleſiæ Sanctæ Trinitatis prædictæ, in Conſideratione quod Thomas Audley Miles, Dominus Cancellarius Angliæ, per Scriptum ſuum gerens Dat.' nono die Septembris, Anno Regni Henrici Regis octavi 28°, Licentiâ Regiâ inde obtentâ, dedit & conceſſit mihi præfato Gulielmo & Succeſſoribus meis, Rectoribus ejuſdem Eccleſiæ Sanctæ Trinitatis, Terras, Ten', reddit', Penſiones, & Portiones, ad clarum Annuum Valorem quadraginta trium Solidorum, quæ Summa attingit ad majorem annuum valorem quam ego prædictus Gulielmus, aut Prædeceſſores mei, unquam habuimus ſeu percipimus de exitibus & proficuis Capellæ prædict.' ac pro eo quòd idem Thomas dictam Capellam in Eccleſiam parochialem erigere & ſtabilire proponit, conceſſiſſe pro me & Succeſſoribus meis præfato Thomæ & Heredibus ſuis, totam Capellam prædictam, ac omnia Terras, ten', boſca reddit, decimas, & Jura quæcunque eidem Capella omnimodo pertinen.' ſive ſpectan.' Habend.' & tenend.' prædictam Capellam, & cætera præmiſſa, cum decimis & ſuis Juribus & Pertinentiis quibuſcunque, præfato Thomæ & Heredibus ſuis imperpetuum. Et nos verò prædicti Abbas & Conventus, non ſolùm eidem Willielmo Jay ad don.' & conceſſionem prædict.' faciend.' conſenſum noſtrum præbuimus, ſed etiam hujuſmodi donationem & conceſſionem ipſius Willielmi in præmiſſis in forma dicta confect', præfato Thomæ & Heredibus ſuis ratificamus, approbamus, & confirmamus; ac Capellam prædictam ab Eccleſia Sanctæ Trinitatis prædict.' diſannex.' fore volumus, & concedimus, & totum Jus noſtrum in eadem Capella eidem Thomæ & Heredibus ſuis remittimus, & relaxamus: Ita quòd Nos, nec Succeſſores noſtri, aliquod Juris & Tituli in Capella prædicta, aut in Advocatione & Patronatu ejuſdem, de cætero nullo modo clamare aut calumpniari poterimus, ſed penitus inde ſumus excluſ.' per præſentes. Salvo ſemper Nobis & Succeſſoribus noſtris Jure Patronatûs & Advocatione Eccleſiæ Trinitatis prædict'. In cujus Rei Teſtimonium, Ego præfatus Gulielmus Jay præſentibus Sigillum meum appoſui, decimo die Septembris, (videlicet) circa horam octavam ante meridiem ejuſdem diei, Anno Regni Regis Henrici Octavi viceſimo octavo. Et Nos prædict.' Abbas & Conventus, Sigillum noſtrum commune præſentibus apponi fecimus, dicto decimo die menſis Septembris, (viz.) circa horam decimam ante meridiem ejuſdem Diei, dicto Anno viceſimo octavo Regis ſupradicti: Sciatis quòd Nos prædict.' Epiſcopus London.' Cartam prædictam, ac omnia & ſingula in eadem contenta & ſpecificata, ratificamus & approbamus; & pro Nobis & Succeſſoribus noſtris illa omnia præfato Thomæ Audley & Heredibus ſuis, juxta tenorem dictæ Cartæ, confirmamus; & Capellam prædict.' ab Eccleſia Sanctæ Trinitatis diſannex.' fore decernimus per præſentes. In cujus Rei Teſtlmonium, Ego pædictus Epiſcopus London.' Sigillum meum præſentibus apponi feci. Dat.' primo die Auguſti, Anno Regni Regis Henrici Octavi, Dei Gratia Angliæ & Franciæ Regis, Fidei Defenſor', Domini Hiberniæ, & in terra ſupremi Capitis Anglicanæ Eccleſiæ triceſimo. 1539.

VIII. *Diviſio Capellæ ab Eccleſiâ, & Reſtitutio ejuſdem in Eccleſiam Parochialem.*

Peccham, f. 105. a.

A Chapel had been united to a Pariſh Church,

UNIVERSIS præſentes Literas inſpecturis, Frater Johannes, permiſſione divinâ Cantuarienſis Eccleſiæ Miniſter humilis, totius Angliæ Primas, Salutem, & ſinceram in Domino caritatem. Cultum divini nominis cupientes totis viribus ampliare, Capellam de Paſtynges noſtræ Juriſdictionis, in Dioc.' Ciceſtrenſi, quæ dudùm extitit ab Eccleſiâ de Terring Parochia ſeparata, quamvis eidem poſteà tanquam Capella ejus extiterit coünita, in ſtatum priſtinum de conſenſu noſtri Capituli revocantes, perpetuâ diffinitione ſancimus, ut prænominata Capella de cætero tanquam Parochialis Eccleſia habens Rectorem proprium, perpetuò cenſeatur, à Subjectione ipſius Eccleſiæ de Terring cum Rectore ſuo penitùs abſoluta; aliis ipſius Eccleſiæ de Terring juribus in integritate ſtatûs ſui perpetuò remanſuris. In cujus rei teſtimonium præſentibus duximus apponend.' Dat.' apud Wengham iiii Non.' Auguſti, Anno Domini MCC octogeſimo ſecundo. Conſecrationis noſtræ quarto.

— and is now diſunited, and made Parochial.

1282.

SECT. XIII.

CURATES *and* COADJUTORS.

Pag. 896.

I. *Literæ Teſtimoniales Curato, migranti ex unâ Diœceſi in aliam.*

* Whitgift; Regiſtr. f. 146, b.

A Curate, propoſing to remove to another Dioceſe,

UNIVERSIS & Singulis Chriſti fidelibus, præſentes literas noſtras Teſtimoniales viſuris, lecturis, vel audituris, vel quos infraſcripta tangunt ſeu tangere poterint quomodolibet in futurum; * Johannes Divinâ Providentiâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Salutem in Domino Sempiternam, ac fidem indubiam præſentibus adhiberi. Ad Univerſitatis veſtræ notitiam deducimus, & deduci volumus, per præſentes, quòd cum *Richardus Vernam* Clericus, ob cauſas & conſiderationes nonnullas animum ſuum in hac parte ſpecialiter moventes, è Decanatu de Croydon Eccleſiæ noſtræ Cathedralis & Metropoliticæ Chriſti Cantuarienſis Juriſdictionis immediatæ, exire, & alibi deſervire, in Diœceſi alienâ miniſtrare, ac divina officia celebrare, intendit, nobiſque humiliter ſupplicavit, ut Teſtimonium fide dignum de vitæ converſatione, morum integritate, ac ſinceræ fidei Evangelicæ puritate, feramus; Vobis igitur innoteſcimus, harumque ſerie atteſtamur, eundem *Richardum Vernam*, Clericum prædictum, ac in Sacerdotali Ordine conſtitutum, in Eccleſia Parochiali de Charlewood, Decanatûs & Juriſdictionis noſtræ Metropoliticæ prædictæ, per quatuor integros annos ultimè jam elapſos, debitè deſerviſſe, ac per totum tempus prædictum honeſtè ſeipſum geſſiſſe, & gerere in præſenti, nulloque crimine, ſaltem notorio aut famoſo, irretitum aut convictum fuiſſe & eſſe, prout Teſtimonio fide dignorum recepimus, ſed, toto tempore quo ibidem converſabatur, ſacram Communionem, ac alia Divina, in dictâ Eccleſiâ Parochiali de Charlewood prædict.' juxta ſtatuta hujus Regni Angliæ ac ritum Eccleſiæ Anglicanæ ſe gerentem; utque vir bonæ Famæ, integri Statûs, Opinionis probæ, ac Religionis illæſæ; non ſuſpenſus, non excommunicatus, non vagabundus, inter bonos & graves palam, publicè, & notoriè, nominatus, habitus, & reputatus. In quorum omnium & ſingulorum præmiſſorum fidem & Teſtimonium, has literas præſentes noſtras Teſtimoniales ſibi fieri, ac ſigilli quo in ſimilibus utimur appenſione communiri, mandavimus & fecimus. Datum Viceſimo primo die Menſis Junii Anno Domini milleſimo quingenteſimo octogeſimo octavo, & noſtræ Tranſlationis anno quinto.

— obtains Letters Teſtimonial from his Ordinary, concerning his Behaviour in the Dioceſe which he leaves.

1588.

II. *Deputatio Curati, vice Rectoris Abſentis.* Pag. 896.

An Incumbent being diſpenſed with for Non-reſidence, —the Ordinary appoints a Curate.

† Baudak; Regiſtr. f. 2. b.

† RADULPHUS &c. Dilecto Filio Radulpho de Purle, Capellano, Salutem, Gratiam & Benedictionem: Cum Nos, auctoritate Conſtitutionis Novellæ, cum Laurentio de Wyham Rectore Eccleſiæ de Bradewell noſtræ Diœc.' quòd à Feſto Sancti Michaelis prox.' venturo, uſque ad unum Annum completum literarum ſtudio inſiſtere valeat, diſpenſaverimus; Te, dictæ Conſtitutionis auctoritate, Vicarium in Eccleſiâ prædictâ Deputamus, durante tempore Diſpenſationis prædictæ, ad Curam Animarum in eâdem Eccleſia diligenter interim exercendam & deſerviendam laudabiliter in Divinis. Proviſo, quòd tibi interim de ipſius Eccleſiæ Proventibus neceſſaria congruè miniſtrentur: In cujus rei teſtimonium, has literas &c. Dat.' apud Wykham, xj Kalend.' Julii, &c. 1306.

III. *Licentia ad peragendum Officium Curati in Eccleſiâ Parochiali.* Pag. 896.

Licence is granted to Officiate in a Parochial Church, as Curate,

* Grindal; Regiſtr. f.281. b.

*WILLIELMUS Awbrey, Legum Doctor, Officio Vicariatûs in Spiritualibus Generalis & Officialitatis Principalis Sedis Archiepiſcopalis Cantuarienſis legitimè fungens, Dilecto nobis in Chriſto *Johanni Rolfe*, Clerico, Salutem in Authore Salutis: Ad peragendum Officium Curati Parochialis in Eccleſiâ Parochiali de *Stanmer*, Decanatûs de Southmalling Eccleſiæ Chriſti Cantuarienſis Juriſdictionis immediatæ, in Precibus communibus aliiſque Miniſteriis Eccleſiaſticis ad Officium Presbyteri pertinen.' juxta formam deſcriptam in Libro publicarum Precum Authoritate Parliamenti hujus inclyti Regni Angliæ edit.' & Stabilit.' ac Regias Injunctiones in ea parte publicat', & non aliter neque alio modo; Tibi, de cujus fidelitate, morum integritate, & ſanâ Doctrinâ plurimum confidimus, Licentiam, Authoritatem, & Facultatem, in Domino concedimus & impertimur, ac Te ad ſupraſcripta præficimus & conſtituimus per præſentes, ad noſtrum beneplacitum tantummodò duraturas. In cujus rei Teſtimonium, Sigillum quo in hac parte utimur, præſentibus apponi fecimus. Dat.' primo die Menſis Maii, Anno Domini milleſimo quingenteſimo octogeſimo tertio. 1583.

—to continue, during the pleaſure of the Ordinary.

IV. *Inhibitio Curato, poſt Licentiam conceſſam.* Pag. 896.

A Curate who had a Licence granted him,

* Whitgift; Regiſtr. f.257, b.

*JOHANNES, Divinâ Providentiâ Cantuar.' Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Civitatem & Diœceſin noſtras Cantuarienſes actualiter Viſitantes, Dilecto nobis in Chriſto *David Philips* Clerico, Salutem & Gratiam. Cum Nos aliàs per literas noſtras gerentes dat.' ultimo die menſis Junii Anno Domini 1589, jam curren.' Tibi ad Inſerviend.' Curæ, tam in Eccleſiâ Parochiali de Mowlaſhe in Comitatu Kancii noſtræque Cantuarienſis Diœceſis, quàm in Capellâ Sancti Leonardi infra Parochiam de Wye, in Comitatu & Diœceſi prædictis (prout in eiſdem Literis, ad quas habeatur relatio, pleniùs liquet & apparet) Licentiam & Facultatem conceſſerimus; cumque ex certis cauſis, veris, juſtis, rationabilibus, & legitimis, noſmetipſos in hac parte ſpecialiter moventibus, Tibi ſub modo & formâ infraſcriptis Inhibend.' fore decreverimus; Tibi igitur præſentium tenore Inhibend.' fore volumus, & Inhibemus, ne à tempore executionis harum literarum noſtrarum in Te, aut intimationis earundem Tibi fiend.' in Officium Curati Parochialis de Mowlaſhe prædict.' vigore Licentiæ noſtræ prædictæ, Tibi (ut præfertur) conceſſæ, Te intromittas, ſub pœnâ Contemptûs. Dat.' in Palatio noſtro Cantuarienſi, ſub Sigillo quo in hac parte utimur, penultimo die menſis Auguſti, Anno Domini 1589. 1589.

—is Inhibited from officiating longer, in vertue of it.

V. *Aſſignatio Coadjutoris Incumbenti, morbo diutino laboranti.* Pag. 901.

Upon the long Indiſpoſition of an Incumbent,

† Winchelſey, Regiſtr. f.262, b.

† ROBERTUS, Permiſſione Divinâ &c. Dilecto Filio Johanni de Kenington Presbytero, ſalutem, &c. Cum Willielmus Vicarius Eccleſiæ Sancti Dunſtani Cant.' gravi morbo laboret & aliquamdiu laboraverit, ita quòd Officio ſuo incumbentia commodè non poterit exercere; Nolentes curam ſibi commiſſam propter ipſius defectum cum periculo negligi animarum, Te ſibi Coadjutorem, ad miniſtrandum tam in Temporalibus quam Spiritualibus ad dictam Vicariam ſpectantibus, & omnia exercendum quæ circa divina obſequia requiruntur, tenore præſentium adhibemus; Ita tamen quòd eidem W. quoad vixerit, de facultatibus ejuſdem Vicariæ ſuſtentationem congruam ſubminiſtres.

—a Coadjutor is appointed by the Ordinary.

miniſtres. In cujus &c. Dat.' apud Wengham, iij° Non.' Decembris, Anno Domini &c.

Pag. 901.

VI. *Aſſignatio Coadjutoris Incumbenti, propter infirmitates Corporis & Animi.*

* Sancroft; Regiſtr. f.258, a.

*WILLIELMUS, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angilæ Primas & Metropolitanus, Dilecto nobis in Chriſto *Laurentio Newton* Clerico, in Artibus Magiſtro, Salutem, Gratiam, & Benedictionem. Cum tam ex fide dignorum Teſtimonio, quàm ex rei ipſius notorietate, ex certâ ſcientiâ noſtrâ, Nobis innotuerit, Quòd Dilectus nobis in Chriſto *Anthonius Spinedge*, Sacræ Theologiæ Baccalaureus, Rector Rectoriæ & Eccleſiæ Parochialis Beatæ Mariæ Aldermary infra Civitatem London.' & Decanatum de Arcubus, noſtræ, & Eccleſiæ noſtræ Cathedralis & Metropoliticæ Chriſti Cantuarienſis, Juriſdictionis peculiaris & immediatæ, ratione Infirmitatis & Corporis & Animi, ad divina officia peragenda, Curamque & Regimen Animarum Parochianorum Parochiæ prædictæ ſibi commiſſæ procurandum & adminiſtrandum, inidoneus impræſentiarùm & omninò inhabilis ſit; Nos igitur volentes (prout tenemur) remedium opportunum in hac parte providere, Te præfatum *Laurentium Newton*, de cujus Literarum Scientiâ, Morum probitate, Religionis ſinceritate, Conſcientiæ puritate, & Circumſpectionis induſtriâ & diligentiâ, plurimùm confidimus, Eidem *Anthonio Spinedge*, Rectori antedicto, ad divina officia peragenda ac Eccleſiæ prædictæ regimen, Curamque Animarum Parochianorum ibidem procurand.' & adminiſtrand.' Deputamus per præſentes, & Aſſignamus *Curatorem* & *Coadjutorem*; Necnon ad petend.' levand.' & recipiend.' omnes & ſingulos fructus, reditus, proventus, omniaque & ſingula Jura & Emolumenta Eccleſiaſtica quæcunque, ad Rectorem dictæ Rectoriæ quoviſmodo ſpectantia & pertinentia, quomodocunque & quandocunque provenien.' & contingen.' plenam tibi in Domino tenore præſentium concedimus poteſtatem, ad noſtrum beneplacitum tantummodò duraturam. Tibi inſuper firmiter injungendo mandantes, quòd omnia quæcunque onera ex dictâ Rectoriâ exeuntia, Domino noſtro Regi debita vel debenda, ac etiam omnia alia onera Archiepiſcopalia & Decanalia ſubeas & perſolvas; & quòd verum, plenum, & perfectum Inventarium de & ſuper omnibus & ſingulis per te in eâ parte collectis & receptis, ac fidele Computum, Calculum, ſive Ratiocinium, de & ſuper Adminiſtratione earundem, Nobis, aut Decano noſtro de Arcubus London.' aut alii Judici in hac parte competenti, exhibeas & reddas (præſtito primitùs per te Juramento, de agnoſcendo Regiam ſupremam poteſtatem in Cauſis Eccleſiaſticis & Civilibus, ac de recuſando, refutando & renunciando omni & omnimodæ Juriſdictioni, poteſtati, authoritati, & ſuperioritati, forinſecis; Necnon de Allegiantiâ eidem Regiæ Majeſtati; juxta vim, formam & Effectum Statuti Parliamenti hujus inclyti Regni edit.' & proviſ.' ſubſcriptiſque per te tribus illis Articulis in triceſimo ſexto Capite Libri Conſtitutionum ſive Canonum Eccleſiaſticorum, anno Domini milleſimo ſexcenteſimo quarto, Regiâ authoritate editis & promulgatis.) In cujus rei Teſtimonium, Sigillum noſtrum Archiepiſcopale præſentibus apponi fecimus. Dat.' ex Ædibus Lambhithanis, tertio die Menſis Octobris, Anno Domini milleſimo ſexcenteſimo octogeſimo quinto, & noſtræ Conſecrationis octavo.

1685.

An Incumbent being rendred uncapable of officiating, by Infirmities of Body and Mind;

—a Coadjutor is appointed by the Ordinary,

—to perform divine Offices,

—to receive Profits, and diſcharge Burdens,

—and to account to the Ordinary:

—having firſt qualified himſelf, by taking the Oaths, and Subſcribing.

VII. *Mandatum Epiſcopi ad colligendum Procurationes, pro Procuratoribus Cleri in Convocatione Provinciæ Cant.'*

Bonner, f. 37, b.

EDMUNDUS Permiſſione divinâ London.' Epiſcopus, Dilecto nobis in Chriſto Richardo Clouye Literato, Apparitori noſtro Generali, Salutem, Gratiam, & Benedictionem. Cum Venerabiles Viri Magiſter Henricus Cole Legum Doctor, noſter in Spiritualibus Generalis Vicarius, & Edvardus Stepham in Sacra Theologia Baccalaureus, fuerint & ſint Procuratores, Vice & Nomine Cleri Archidiaconatûs London', in præſenti Convocatione Prælatorum & Cleri Provinciæ Cant.' jam tent.' & celebrat', unanimiter & concorditer per eundem Clerum electi, aſſumpti & deputati, pro Eccleſiæ Anglicanæ Defenſione, Utilitate, & Honore, Fideique Orthodoxiæ Confirmatione, ac Hereſ.' & error', nuperimè ſuſcitat.' & exort.' pacatione & ſedatione, aliquamdiu inſudârunt, & quotidie inſudant; & ut jura, libertates, & Privilegia Eccleſiæ Anglicanæ conceſſa, illeſa, illibata permaneant, invigilârunt & invigilant; nonnulloſque graves Sumptus & Expenſas in præſenti Convocatione præmiſſorum Occaſione ſuſtinuerunt & ſuſtinent, ac uſque in exitum Convocationis hujuſmodi ſuſtinebunt: Cumque de laudabili legitimâque præſcriptâ conſuetudine, infra Diœceſ.' noſtram London.' hactenùs à tempore immemorato uſit.' & obſervat', unus denarius de quâlibet Librâ Sterling.' Valoris Fructuum cujuſcunque

Recites—The great expences of attending the Convocation,

—and the Cuſtom of the Dioceſe of London, to levy 1 *d.* in the pound.

Commiſſion to Collect,

—and to Return thoſe who refuſe.

juſcunque Beneficii Eccleſiaſtici infra eandem noſtram Dioc', Nomine Expenſ.' & pro Expenſ.' Procuratorum Cleri ejuſdem Diœceſ.' in qualibet Convocatione hujuſmodi contribui ſolebat & ſolet, & ex equitate, attentis præmiſſis, debeatur, Ad petendum igitur, levandum, colligendum, exigendum, & recipiendum de quibuſcunque Rectoribus, Vicariis, & aliis Capellanis, tam exemptis quam non exemptis, quorum Beneficia & Promotiones Spirituales in Libro præſentibus annex.' conſcript.' exiſtunt, Summam unius denarii de qualibet Libra Sterling.' Valoris Fructuum cujuſlibet Eccleſiæ, Vicariæ, ſive Beneficii in Libro hujuſmodi præſentibus annex.' ſpecificat', juxta veram & juſtam taxationem & æſtimationem valoris Eccleſiarum & beneficiorum hujuſmodi, ad decimam Domino noſtro Regi ſolvendam nuper fact', & in præſenti Libro deſcriptam, ac de denariis hujuſmodi per te receptis & recipiendis acquietan.' dandum & ſigillandum; Contradicentes, ſeu hujuſmodi Summam ſolvere recuſantes ſive deferentes, moneas peremptoriè ad comparendum coram Nobis, ſeu noſtro in hac Parte Commiſſario, in Eccleſia Cathedrali Sancti Pauli London', Loco conſiſtoriali ibidem, quarto die poſt monitionem hujuſmodi eis fact', ſi juridicus fuerit, alioquin prox.' die Juridico ex tunc ſequen', cauſam rationabilem & legitimam, ſi quam pro ſe habeant, quare ad ſolutionem hujuſmodi per Cenſuras Eccleſiaſticas, fructuumque Beneficiorum ſuorum prædict.' Sequeſtrationem, ac alia Juris Remedia, per Nos, ſeu Authoritate noſtrâ compelli non debeant, in debita Juris forma dictur.' & allegatur.' & pro poſitur'; Tibi, de cujus Fidelitate & Circumſpectionis Induſtria plurimùm in Domino confidimus, Poteſtatem committimus, cum cujuſlibet congruæ coercionis Eccleſiaſticæ, & exequendi quæ in hac parte legitime decerneris Poteſtate. In cujus Rei Teſtimonium &c, Dat.' in Palatio noſtro London', primo Die menſis Maii, Anno Domini milleſimo . . . . quingenteſimo quadrageſimo tertio, & noſtræ Tranſlationis Anno tertio. 1543.

SECT. XIV.

CONVOCATION.

I. *Breve pro Summonitione Convocationis.* Pag. 932.

The King for divers weighty and urgent reaſons,

—requires the Archbiſhop to ſummon a Convocation.

*HENRICUS &c. Reverendiſſimo in Chriſto Patri, † Thomæ eâdem Gratiâ Cantuarienſi Archiepiſcopo, totius Angliæ Primati & Metropolitano, Salutem. Quibuſdam arduis & urgentibus Negotiis, Nos, Securitatem & Defenſionem Eccleſiæ Anglicanæ, ac Pacem, Tranquillitatem, bonum publicum, & Defenſionem Regni noſtri & Subditorum noſtrorum ejuſdem, concernen.' Vobis in Fide & Dilectione quibus nobis tenemini rogando mandamus, quatenùs, præmiſſis debito intuitu attentis & ponderatis, univerſos & ſingulos Epiſcopos veſtræ Provinciæ necnon Archi-Diaconos, Decanos, ac omnes alias perſonas Eccleſiaſticas cujuſlibet Diœceſeôs ejuſdem Provinciæ, ad comparend.' coram Vobis in Eccleſiâ Cathedrali Sancti Pauli London.' vel alibi prout meliùs expedire videritis, cum omni celeritate accommodâ, modo debito, Convocari faciatis; ad tractand.' conſentiend.' & concludend.' ſuper præmiſſis, ac aliis quæ ſibi clariùs exponentur tunc ibidem ex parte noſtra. Et hoc ſicut Nos, & Statum Regni noſtri, ac honorem & utilitatem Eccleſiæ prædictæ, diligitis, nullatenùs omittatis. Teſte meipſo apud Weſtmonaſterium, nono die Decembris, Anno Regni noſtri Triceſimo ſexto. 1544.

* Octavus.

† Cranmer.

II. *Mandatum Archiepiſcopi pro ſummonendâ Convocatione.*

Synod. Angl. App. p. 9--12.

GULIELMUS Providentia Divina Cant.' Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Venerabili Confratri noſtro Domino Gulielmo eâdem Providentiâ London.' Epiſcopo, ſummo Angliæ Theſaurario, Salutem & Fraternam in Domino Charitatem. Breve Illuſtriſſimi in Chriſto Principis & Domini noſtri CAROLI Dei Gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, Fidei Defenſoris, &c. Nobis inſcriptum & directum, nuper cum ea qua decuit reverentia, obſervantia & ſubjectione, humiliter recepimus in hæc verba. CAROLUS Dei Gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, Fidei Defenſor, &c. Reverendiſſimo in Chriſto Patri ac Fideli Conſiliario noſtro Gulielmo eâdem Gratiâ Cant.' Archiepiſcopo, totius Angliæ Primati & Metropolitano Salutem. Quibuſdam arduis & urgentibus negotiis Nos, Securitatem & Defenſionem Eccleſiæ Anglicanæ ac pacem & tranquillitatem, bonum publicum & defenſionem Regni noſtri & ſubditorum noſtrorum ejuſdem concernentibus, Vobis in fide & dilectione quibus nobis tenemini rogando mandamus, quatenus præmiſſis debito intuitu attentis & ponderatis, univerſos & ſingulos Epiſcopos veſtræ Provinciæ, ac Decanos Eccleſiarum Cathedralium, necnon Archidiaconos, Capitula & Collegia, totumque Clerum cujuſlibet Diœceſeos ejuſdem Provinciæ, ad comparendum coram vobis in Eccleſia Cathedrali Sancti Pauli London.' decimo quarto die menſis Aprilis proxime futuri, vel alibi prout melius expedire videatis, cum omni celeritate accommodâ modo debito convocari faciatis, ad tractandum, conſentiendum & concludendum ſuper præmiſſis, & aliis quæ ſibi clarius exponentur tunc ibidem ex parte noſtra. Et hoc ſicut nos & ſtatum Regni noſtri & honorem & utilitatem Eccleſiæ prædictæ diligitis, nullatenus omittatis. Teſte meipſo apud Weſtm.' viceſimo die Februarii Anno Regni noſtri decimo quinto. Quocirca Fraternitati veſtræ committimus & mandamus, quatenus omnes & ſingulos Co-Epiſcopos Eccleſiæ noſtræ Chriſti Cant.' Suffraganeos infra præfatam Provinciam noſtram Cantuarienſem conſtitutos, peremptoriè citetis, ac per eos, Decanos Eccleſiarum Cathedralium & Collegiatarum & ſingula Capitula earundem, Archidiaconoſque & cæteros Eccleſiarum Prælatos exemptos & non exemptos, Clerumque cujuſlibet Diœc.' Provinciæ noſtræ antedictæ peremptoriè citari & præmoneri volumus & mandamus, Quòd iidem Epiſcopi, Decani, Archidiaconi & cæteri Eccleſiarum Prælati exempti & non exempti perſonaliter, & quodlibet Capitulum Eccleſiarum Cathedralium & Collegiatarum per unum, Cleruſque cujuſlibet Diœc.' Provinciæ noſtræ antedictæ per duos ſufficientes Procuratores, compareant coram nobis aut noſtro in hac parte locum tenente ſive Commiſſario (ſi nos impediri contigerit) in Domo Capitulari Eccleſiæ Cathedralis S. Pauli London', decimo quarto die menſis Aprilis prox.' futuro poſt datum præſentium, cum continuatione & prorogatione dierum extunc ſequentium & locorum (ſi oporteat) fiend.' ad tractandum ſuper arduis & urgentibus negotiis ſtatum & utilitatem, bonum publicum & defenſionem Regni Angliæ & ſubditorum ejuſdem concernentibus, ipſis tunc & ibidem ſerioſiùs exponend.' ſuaque ſana conſilia & auxilia ſuper eis impenſur.' ac his quæ ibidem ex deliberatione communi ad honorem Dei & Eccleſiæ utilitatem ſalubriter ordinari & ſtatui contigerit, conſenſur.' ulteriuſque factur.' & receptur.' quod juſtum fuerit, & hujuſmodi Negotii natura & qualitas de ſe exigunt & requirunt. Vos autem, Venerabilis Confrater noſter, dictum Mandatum, quatenus vos & Capitulum Eccleſiæ veſtræ Cathedralis ac Civitatem & Diœc.' London.' concernit, exequi per omnia faciatis & eidem pareatis in omnibus cum Effectu. Præterea, tenore præſentium vos citamus, quatenus eiſdem die & loco coram nobis, aut noſtro in hac parte locum tenente ſive Commiſſario, uno vel pluribus, unà cum aliis Venerabilibus Confratribus noſtris dictæ Provinciæ noſtræ Cant.' Co-Epiſcopis, compareatis ſuper hujuſmodi negotiis (ut præmittitur) tractatur.' necnon factur.' & receptur.' quod ad veſtram Paternitatem attinet, prout ſuperius continetur. Volumus inſuper & mandamus, quatenus intimetis & denuncietis ſeu intimari & denunciari faciatis dictæ Provinciæ noſtræ Cant.' Co-Epiſcopis, Decanis, Archidiaconis & cæteris Eccleſiarum Prælatis ſupraſcriptis; quòd eos à perſonali comparitione in hujuſmodi negotio Convocationis & Congregationis dictis die & loco (ut præmittitur) Divinâ favente clementiâ celebrando excuſatos non habere intendimus iſta vice, niſi ex cauſa neceſſaria tunc & ibidem allegand.' & proponend.' & per nos approband.' ſed Contumacias eorum qui abſentes fuerint Canonice punire. Et præterea, vobis ut ſupra injungimus & mandamus, quòd omnibus & ſingulis Co-Epiſcopis Suffraganeis Provinciæ noſtræ Cant.' prædictæ injungatis ſeu faciatis injungi, ut ſinguli eorum ſigillatim de facto ſuo, quatenus pertinet ad eoſdem, Nos, ſeu locum tenentem ſive Commiſſarium noſtrum, unum vel plures, dictis die & loco per literas eorum patentes nomina & cognomina omnium & ſingulorum per eos reſpectivè citatorum continentes, diſtinctè certificent & apertè. De die vero receptionis præſentium, & quid in præmiſſis feceritis, Nos, aut noſtrum Commiſſarium hujuſmodi, dictis die & loco debitè certificari curetis per literas veſtras Patentes, harum ſeriem unà cum nominibus omnium

& ſingulorum Epiſcoporum Provinciæ noſtræ Cant.' Decanorum, Archidiaconorum & cæterorum Prælatorum veſtræ Diœc.' in ſeparata Schedula literis Certificatoriis annectend.' complectent.' Datum in Manerio noſtro de *Lambeth*, viceſimo ſecundo die menſis Febr. Anno Domini, juxta computationem Eccleſiæ Anglicanæ, milleſimo ſexcenteſimo triceſimo nono, & noſtræ Tranſlationis Anno ſeptimo. 1639.

III. *Breve pro Relaxatione Summonitionis ad Convocationem.*

Pag. 932.

The King having ordered a Convocation to be ſummoned to appear at a certain day,

* Octavus.
† Cranmer.

*HENRICUS &c. Reverendiſſimo in Chriſto Patri, † Thomæ eâdem Gratiâ Cantuarienſi Archiepiſcopo, totius Angliæ Primati & Metropolitano, Salutem. Cùm nuper, quibuſdam arduis & urgentibus negotiis, Nos, ſecuritatem & Defenſionem Eccleſiæ Anglicanæ, ac Pacem, Tranquillitatem, bonum Publicum, & Defenſionem regni noſtri & ſubditorum noſtrorum ejuſdem concernen.' per Breve noſtrum mandaverimus Vobis, quatenùs, præmiſſis debito intuitu attentis & ponderatis, univerſos & ſingulos Epiſcopos veſtræ Provinciæ, ac Decanos Eccleſiarum Cathedralium, necnon Archidiaconos, Capitula & Collegia, totúmque Clerum cujuſlibet Diœceſis ejuſdem Provinciæ, ad comparend.' coram Vobis in Eccleſiâ Sancti Pauli London.' triceſimo primo die Januarii prox.' futur.' more debito convocari faceretis, ad tractand.' conſentiend.' & concludend.' ſuper præmiſſis, & aliis quæ ſibi clariùs exponerentur tunc ibidem ex parte noſtra; Nos tamen, certis urgentibus cauſis & conſiderationibus ſpecialiter moventibus, de adviſamento Concilii noſtri, ipſam Convocationem uſque ad & in ſextum decimum diem Octobris prox.' futur.' apud Sanctum Paulum prædictum duximus prorogand.' Et ideò Vobis mandamus, quòd omnes & ſingulos Epiſcopos veſtræ Provinciæ, ac Decanos Eccleſiarum Cathedralium, necnon Archidiaconos, Capitula, & Collegia, totumque Clerum cujuſlibet Diœceſis ejuſdem Provinciæ, qui prætextu dicti alterius Brevis noſtri pro Convocatione iſtâ convocati, & qui ſint convocandi prætextu ejuſdem Brevis noſtri, ex parte noſtrâ ſignificetis, quòd ad dictum triceſimum primum diem Januarii apud Sanctum Paulum prædictum non compareant, ſed quòd ad dictum ſextum decimum diem Octobris apud Sanctum Paulum prædictum perſonaliter interſint, ad tractand.' conſentiend.' & concludend.' ſuper hiis quæ ſibi clariùs exponentur tunc ibidem ex parte noſtrâ. Et hoc, ſicut Nos & Statum Regni noſtri, ac Honorem & Utilitatem Eccleſiæ prædictæ, diligitis, nullatenus omittatis. Teſte meipſo apud Weſtmonaſterium, viceſimo ſecundo die Decembris, Anno Regni noſtri triceſimo ſexto. 1544.

— commands the Archbiſhop to notiſie in due form, that they do not appear on that day, — but on a certain further Day.

IV. *Breve pro prorogandâ Convocatione.*

Pag. 932.

The Convocation being appointed to meet at a certain day,

* Octavus. Regiſtr. Cranm. f. 11, b.
† Cranm.

*HENRICUS &c. Reverendiſſimo in Chriſto Patri † Thomæ eâdem Gratiâ Cantuarienſi Archiepiſcopo, totius Angliæ Primati & Metropolitano, Salutem. Cum præſens Convocatio Cleri veſtræ Cantuarienſis Provincæ apud Sanctum Paulum London.' de Mandato noſtro per Breve noſtrum jam nuperrimè tent.' & prorogat.' ad & uſque inſtantem quintum diem Novembris apud Sanctum Paulum prædictum prorogat.' & continuat.' ibidemque tum tenend.' Nos tamen, certis urgentibus Cauſis & Conſiderationibus nos ſpecialiter moventibus, de Adviſamento Concilii noſtri, ipſam præſentem Convocationem noſtram apud Sanctum Paulum prædict.' tenend.' duximus prorogand.' Et ideò vobis Mandamus, quòd eandem præſentem Convocationem noſtram hac inſtante die Veneris uſque ad & in quintum decimum diem Januarii prox.' futurum, apud Sanctum Paulum prædict.' debito modo prorogetis, ibidemque tunc tenend.' & proſequend.' unà cum prorogatione & continuatione locorum & dierum prout convenit. Mandantes prætereà, ex parte noſtrâ, univerſis & ſingulis Epiſcopis, necnon Archidiaconis, Decanis, & omnibus aliis perſonis Eccleſiaſticis quibuſcunque dictæ veſtræ Cantuarienſis Provinciæ, quorum intereſt aut intereſſe poterit in hac parte, quòd ipſi & eorum quilibet Vobis in præmiſſis omnibus & ſingulis faciend.' agend.' & exequend.' intendentes ſint, conſulentes, auxiliantes pariter & obedientes, prout decet. Teſte meipſo apud Weſtmonaſterium, quinto die Novembris, Anno Regni noſtri triceſimo octavo. 1546.

— is commanded by the King to be Prorogued to a further Day.

V. *Pro-*

V. *Prorogatio Convocationis.*

Synod. Angl. App. p. 16.

Schedula contra Contumaces.

Schedula Continuationis. Certificatorium Archi-Diaconi Cant.' Certificatorium Doctoris Farmery pro Diœceſe Lincoln.

—— QUIBUS ſic geſtis, præfatus Reverendiſſimus Pater pronunciavit omnes & ſingulos Decanos, Archi-Diaconos, Capitula, Cleri procuratores, ac cæteros quoſcunque ad intereſſendum iſtis die, hora & loco, in hujuſmodi Sacrâ ſynodo ſive convocatione monitos & citatos, & nullo modo comparentes, notoriè *Contumaces*; pœnas verò contumaciarum ſuarum hujuſmodi uſque ad & in prædictum decimum ſeptimum diem inſtantis Menſis *Aprilis*, inter horas nonam & undecimam ante meridiem ejuſdem diei, ad Eccleſiam Collegiatam Beati Petri, Weſtminſter.' prædictam, Reſervando; prout in Schedula per eundem Reverendiſſimum Patrem lecta plenius continetur. Cujus quidem Schedulæ tenor ſequitur & eſt talis. In Dei Nomine, *Amen.* Nos Gulielmus, &c. Poſtremò dictus Reverendiſſimus Pater continuavit & Prorogavit præſentem Convocationem ſive ſacram Synodum, &c. omniaque & ſingula Certificatoria iſtis die, hora & & loco introducta & introducenda & non introducta, in eodem Statu quo nunc ſunt uſque ad & in prædictum decimum ſeptimum diem inſtantis Menſis Aprilis, inter horas nonam & undecimam ante meridiem ejuſdem diei, ad Eccleſiam Collegiatam Beati Petri Weſtminſter', prout in alia Schedulâ per eum lectâ, tenoris ſequentis continetur, viz. In Dei Nomine, *Amen*, &c. Nos Gulielmus, &c.

Reverendiſſimo in Chriſto Patri ac Domino Domino Gulielmo, &c.

Reverendiſſimo in Chriſto Patri ac Domino Domino Gulielmo &c.

Pag. 932.

VI. *Breve pro diſſolvendâ Convocatione.*

* Octavus.
† Cranmer.

A Convocation having been called, and ſtill ſubſiſting,

— the Archbiſhop is commanded to Diſſolve it.

1544.

*HENRICUS &c. Reverendiſſimo in Chriſto Patri †Thomæ, eâdem Gratiâ Cantuarienſi Archiepiſcopo, totius Angliæ Primati & Metropolitano, Salutem. Cum præſens Convocatio Cleri veſtræ Cantuarienſis Provinciæ apud Sanctum Paulum London.' de Mandato noſtro per breve noſtrum jam modo tent.' & inſtans exiſtit; certis tamen urgentibus cauſis & conſiderationibus nos ſpecialiter moventibus, de adviſamento concilii noſtri, ipſam præſentem convocationem hâc inſtante die Lunæ, duximus Diſſolvendam. Et ideò vobis mandamus quòd eandem præſentem convocationem hâc inſtante die Lunæ apud Sanctum Paulum prædictum, debito modo, abſque dilatione, diſſolvatis, diſſolvive faciatis, prout convenit: ſignificantes, ex parte noſtrâ, univerſis & ſingulis Epiſcopis, necnon Archidiaconis, Decanis, & omnibus aliis perſonis Eccleſiaſticis quibuſcumque dictæ veſtræ Cantuarienſis Provinciæ, quorum intereſt aut intereſſe poterit in hac parte, quòd ipſi & eorum quilibet huic Mandato noſtro exequend.' intendentes ſint & obedientes, prout decet. Teſte meipſo apud Weſtmonaſterium, triceſimo primo die Martii, Anno Regni noſtri triceſimo quinto.

VII. *Diſſolutio Convocationis.*

Synod. Angl. App. p. 54.

—— POSTREMO, habito per Reverendiſſimum Sermone gravi & eleganti, Prælatis & Clero prædictis, Lectoque per me præfatum Notarium Brevi Regio, de Mandato dicti Reverendiſſimi Patris, de Convocatione diſſolvendâ, tenoris ſequentis, viz. Carolus Dei Gratiâ, &c. Idem Reverendiſſimus Pater, ob honorem & reverentiam dicti Domini noſtri Regis juxta tenorem Brevis Regii prædicti, eandem Convocationem ſive Sacram Synodum Provincialem diſſolvit, prout in Schedulâ per dictum Reverendiſſimum Patrem lectâ pleniùs continetur; Cujus quidem Schedulæ tenor ſequitur & eſt talis. Viz. In Dei Nomine Amen. Nos Gulielmus, &c.

Pag. 953, 962.

VIII. *Mandatum Archiepiſcopi pro Publicatione Conſtitutionum factarum in Synodo Provinciali.*

* Arundel.

† Clifford; Regiſtr. f. 40. a.

Divers Conſtitutions having been made in a Provincial Council of Biſhops and Clergy;

*THOMAS, Permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas, & Apoſtolicæ Sedis Legatus, Venerabili Fratri noſtro Domino †Ricardo Dei Gratia Londonienſi Epiſcopo, Salutem & Fraternæ Dilectionis continuum incrementum. Cum in noſtro Provinciali Concilio, nuper Oxonii celebrato, de conſilio & aſſenſu veſtris & aliorum Venerabilium Confratrum & Suffraganeorum noſtrorum, ad inſtantem

—are commanded by the Archbiſhop to be tranſmitted to the Biſhops, by the Dean of the Province,

—and by them publiſhed in their Synods and Chapters;

—of all which, both the Dean of the Province and Biſhops, ſhall make due Returns.

Petitionem totius Cleri noſtræ Provinciæ, certas Conſtitutiones Provinciales contra Detractores Evangelicos conantes ſeminare zizania in agro Dominico, ſacroſanctâ, videlicet, militante Eccleſiâ, ediderimus, ipſaſque poſtmodùm in ultimâ Convocatione noſtrâ, celebratâ in Eccleſiâ Sancti Pauli London.' coram vobis ac præfatis Venerabilibus Confratribus noſtris & Clero prædict.' repetitâ promulgatione recenſitas, debitè publicaverimus, ut vos latere non credimus; Noſque proinde attendentes, quòd fruſtra Jura vel Leges conduntur, niſi debitæ Executioni mandentur, Conſtitutiones ipſas ſub Sigillo noſtro clauſas, præſentibus annexas, vobis tranſmittimus publicandas: Volentes, & Fraternitati veſtræ firmiter injungendo mandantes, quatenùs Copias Conſtitutionum ipſarum ſub Sigillo & Literis veſtris, harum ſeriem continentibus, ſingulis Venerabilibus Confratribus & Suffraganeis noſtris dictæ noſtræ Provinciæ tranſmittentes, auctoritate noſtrâ Injungatis eiſdem, quibus nos etiam tenore præſentium injungimus, quòd eorum ſinguli, in ſingulis Civitatibus & Diœceſibus eorundem, prout ad eorum unumquemque attinet, præfatas Conſtitutiones in Synodis eorum, & Capitulis, juxta Canonicas & Provinciales Conſtitutiones in ea parte editas, Canonicè publicent, ſeu ſic faciant debitè publicari. Vóſque, Venerabilis Frater noſter, Executionem Præmiſſorum in veſtris Civitate & Diœceſi, prout ad vos attinet, conſimiliter faciatis. De die vero receptionis præſentium, modóque & formâ Executionis veſtræ, necnon & quid feceritis in præmiſſis, Nos citra Feſtum Sancti Johannis Baptiſtæ prox.' futur.' debitè certificetis, literis veſtris Patentibus, habentibus hunc tenorem. Eiſdem Venerabilibus Confratribus noſtris, auctoritate noſtrâ, firmiter injungentes, quòd eorum ſinguli citra præfatum Feſtum conſimiliter nos certificent debitè & diſtinctè. Dat.' in Caſtro noſtro de Quenburgh, xiij^{mo} die Menſis Aprilis, Anno Domini milleſimo CCCC^{mo} nono, & noſtræ Tranſlationis Anno tertiodecimo. 1409.

IX. *Executio prædicti Mandati, pro Publicatione Conſtitutionum Provincialium.*

Pag. 953, 962.

Purſuant to the Mandate of the Archbiſhop,

—the Dean of the Province tranſmits Copies of the Conſtitutions to each Biſhop.

† Beaufort.
* Clifford;
Regiſtr. f. 40. a. 2d.

REVERENDO in Chriſto Patri, & Domino Domino † Henrico Dei Gratiâ Wintonienſi Epiſcopo, * Ricardus Permiſſione Divinâ Londonienſis Epiſcopus, Salutem & ſinceræ dilectionis continuum incrementum. Literas Reverendiſſimi in Chriſto Patris, & Domini Domini Thomæ Dei Gratiâ Cantuarienſis Archiepiſcopi, totius Angliæ Primatis, & Apoſtolicæ Sedis Legati, nuper reverenter recepimus, tenorem qui ſequitur continentes, &c. Quarum auctoritate Literarum, copias dictarum conſtitutionum ſub Sigillo & literis noſtris, ſeriem literarum præfati Reverendiſſimi Patris prædictarum continentibus, vobis, Reverende Pater tranſmittimus: Vobis, auctoritate prædictâ, firmiter injungentes, quibus etiam dictus Reverendiſſimus Pater, præſentium literarum ſuarum tenore injungit, quatenùs in Civitate & Diœceſi veſtris, prout ad vos attinet, præfatas Conſtitutiones in Synodis veſtris & Capitulis, juxta Canonicas & Provinciales Conſtitutiones in eâ parte editas, Canonicè publicetis, ſeu ſic faciatis debitè publicari: Certificantes præfatum Reverendiſſimum Patrem citra dictum Feſtum Sancti Johannis Baptiſtæ prox.' futur.' debitè & diſtinctè, prout in præfatis literis fieri demandatur. Dat.' in Manerio noſtro de Fulham, xx die Menſis Maii, Anno Domini milleſimo CCCC^{o} nono, & noſtræ Tranſlationis Anno ſecundo. 1309.

X. *Certificatorium ſuper Executione Mandati, pro Publicatione Conſtitutionum.*

Pag. 953, 962.

The Dean of the Province reciting the Mandate of the Archbiſhop,

—certifies that he has tranſmitted the Conſtitutions accordingly;

—and alſo publiſhed them in his own Dioceſe.

* Arundel.
† Clifford;
Regiſt. f. 40. b 1ſt.

REverendiſſimo in Chriſto Patri, & Domino * Thomæ, Dei Gratiâ Cantuarienſi Archiepiſcopo, totius Angliæ Primati & Apoſtolicæ Sedis Legato, † Ricardus Permiſſione Divinâ Londonien.' Epiſcopus, Obedientiam & Reverentiam tanto Patri debitas, cum honore. Literas veſtras Reveren.' viceſimo ſeptimo die menſis Aprilis prox.' præterit.' reverenter recepimus, tenorem qui ſequitur continentes, &c. Quarum auctoritate literarum, copias dictarum Conſtitutionum, ſub Sigillo & Literis noſtris, ſeriem hujuſmodi literarum veſtrarum continentibus, ſingulis venerabilibus Confratribus & Suffraganeis veſtris dictæ veſtræ Provinciæ tranſmittentes; Auctoritate veſtrâ injunximus eiſdem, quòd eorum ſinguli in ſingulis Civitatibus & Diœceſibus eorundem, prout ad eorum unumquemque attinet, præfatas Conſtitutiones in Synodis eorum & Capitulis, juxta Canonicas & Provinciales Conſtitutiones in eâ parte editas, Canonicè publicent, ſeu ſic faciant debitè publicari; ac Paternitatem veſtram Reverendiſſimam citra dictum Feſtum Sancti Johannis debitè certificent & diſtinctè; prout in eiſdem Literis veſtris fieri demandatur. Noſque Conſtitutiones ipſas in Civitate noſtrâ London.' publicari fecimus, & in Diœceſi noſtrâ in Synodis & Capitulis, quatenus ad nos attinet,

net, juxta Canonicas & Provinciales Conſtitutiones in eâ parte editas, publicari cum omni celeritate conſimiliter faciemus. In quorum teſtimonium &c. Dat.' in Manerio noſtro de Fulham, viceſimo tertio die menſis Junii, Anno Domini milleſimo CCCC^{mo} nono, & 1409. noſtræ Tranſlationis Anno ſecundo.

SECT. XV.

VISITATION, METROPOLITICAL *and* DIOCESAN.

I. *Bulla Archiepiſcopo, ut procedat in Viſitatione Metropoliticâ, Ordine quo ipſi placuerit.*

Adam de Orleton, Winton. pars ſecunda, f. 39.

Recites — a Petion from the Archbiſhop, ſetting forth the Difficulty of proceeding in his Viſitation, according to the ſtrictneſs of the Canons.

CLEMENS Epiſcopus Servus Servorum Dei, Venerabili Fratri J. Archiepiſcopo Cant.' Salutem, & Apoſtolicam Benedictionem. Perſonam tuam Nobis & Apoſtolicæ Sedi devotam paternæ dilectionis plenitudine proſequentes, illa tibi libenter benevolo favore concedimus, quæ tuæ commoditatis augmentum, & Provinciæ tuæ Cant.' bonum Statum reſpicere dinoſcantur: Sanè Petitio tua nobis exhibita continebat, quòd cùm Tu, qui habes latam Provinciam & diffuſam, propter varietatem Negotiorum arduorum in Regno Angliæ, & impedimenta frequenter occurrentia, non potes, in Viſitatione ipſius Provinciæ, Ordinem à Jure traditum obſervare; imò te oportet inceptum Viſitationis Officium in aliqua Civitate ſeu Dioceſ.' Provinciæ antedictæ, non completâ in eâ Viſitatione, ipſam dimittere, ſed ad aliam vel alias te transferre, ita quòd frequenter contingit, quòd dictum Viſitationis Officium non perficitur in eiſdem; quare nobis humiliter ſupplicâſti, ut providere tibi in hac parte de opportuno remedio dignaremur: Nos itaque, tuis Supplicationibus inclinati, tibique, & Capitulo Eccleſiæ tuæ, ac Civitat.' & Dioceſ.' ut propriis prius minimè viſitatis, poſſis, uſque, ad triennium, ſingulas Civitates & Dioceſ.' tuæ Provinciæ viſitare, ac de una Civitate ſeu Dioceſ.' ad aliam Civitatem ſeu Dioceſ.' ipſius Provinciæ, &, non completo in ea Viſitationis Officio, te transferre, ac Viſitationis Officium inibi impendere, & ad Civitatem & Dioceſ.' taliter dimiſſas redire, ac in eis Viſitationem complere prædictam, & alias in eiſdem non uſitatas Viſitationis Officium exercere, totiens quotiens tibi videbitur expedire, & non continuatâ Viſitatione per bonæ memoriæ Symonem Archiepiſcopum Cant.' prædeceſſorem tuum in eadem Provincia inchoatâ; necnon Procurationes, quæ tibi juxta formam Juris competerent ſi in Viſitatione hujus debitum ordinem obſervares, recipere ab Eccleſiis, Monaſteriis, & Locis ac Perſonis taliter uſitatis, Innocentii Papæ quarti Prædeceſſoris noſtri, & quibuſlibet aliis Conſtitutionibus, in contrarium editis nequaquam obſtantibus, Auctoritate Apoſtolicâ de ſpeciali Gratia indulgemus. Nulli quoq; omnino homini liceat hanc Paginam noſtræ Conceſſionis infringere, vel ei auſu temerario contraire: Si quis autem hoc attemptare præſumpſit, Indignationem Omnipotentis Dei, & Beatorum Apoſtolorum Petri & Pauli ejus, ſe noverit incurſur.' Dat.' octavo Kalend.' Novembris, Pontificatûs noſtri Anno primo.

The Pope's Diſpenſation, to proceed in ſuch order and method, as his other Affairs ſhall require.

II. *Commiſſio ad exercendum Juriſdictionem Eccleſiaſticam infra Dioceſ.' Sede vacante, cum Clauſulâ ad procedend.' in Viſitatione per Epiſcopum ibidem inceptâ.*

Laud. f. 301. b.

The Archbiſhop's Commiſſion, among other things, to proceed in the Viſitation *begun* by a Biſhop *deceaſed*.

GULIELMUS, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, ad quem omnis & omnimoda Juriſdictio Spiritualis & Eccleſiaſtica, quæ ad Epiſcopum Herefordenſem (Sede plenâ) pertinuit, ipſâ Sede jam vacante, notoriè dignoſcitur pertinere, Dilecto nobis in Chriſto Willielmo Skynner Legum Doctori Salutem & Gratiam.—Ac ulterius (quantum in nobis eſt, & de Jure poſſumus)

Tibi Vices noſtras committimus, ac plenam concedimus Poteſtatem, ad recipiendum, exigendum, & examinandum Præſentamenta ſive Detectiones, per Guardianos & Inquiſitores cujuſlibet Parochiæ ſive Capellaniæ (tam infra Juriſdictionem Epiſcopalem, quam peculiares & exemptas Juriſdictiones, Decani & Capituli Eccleſiæ Cathedralis Herefordenſis prædict.' conjunctim, & Decani aut Canonicorum ejuſdem Eccleſiæ Cathedralis quorumcunque per ſe diviſim, ac aliûs cujuſcunque perſonæ aliquam Juriſdictionem Eccleſiaſticam infra dictam Dioc.' habentis) per totam Dioceſ.' Herefordenſem ubilibet conſtituta, facta aut facienda, ſuper Articulis eis in mandatis datis per prænominatum Reverendum Patrem jam defunctum, Jure ſuo ordinario Dioceſ.' ſuam Hereford.' ac peculiares Juriſdictiones prædictas nuper viſitantem, ac Crimina Exceſſus & delicta exinde comperta & detecta puniendum & corrigendum, ſive hominum delinquentium, ſive rerum aliarum neceſſariò & aptè reformandarum, necnon quaſcunque enormias dictam Eccleſiam Cathedralem Herefordenſem aut Miniſtros ejuſdem concernentes, & per dictos Decanum & Capitulum denotatas, ac dicto Reverendo Patri, ut prius viſitanti, Virtute Literæ Regiæ Aſſiſtentiæ ei & Succeſſoribus ſuis in perpetuum in hac parte præhabitæ & obtentæ, exhibitas & querelatas, caſtigandum & reformandum; Ita ut Viſitatio dicti Reverendi ſic (ut præfertur) incepta, ad Vitia extirpanda, & Virtutes plantandas in Commodum Eccleſiæ & Populi compleatur, & ſuum debitum ſortiatur effectum. In cujus Rei Teſtimonium, Sigillum quo in hac parte utimur præſentibus apponi fecimus. Dat.' decimo die menſis Novembris Anno Domini milleſimo ſexcenteſimo triceſimo quarto, & noſtræ Tranſlationis Anno ſecundo. 1634.

III. *Relaxatio facta per Archiepiſcopum Cant.' de exequendo Juriſdictionem, non obſtante Inhibitione.*

Stokeſl. f. 51, b.

Recites — the Viſitation, and Inhibition,

—and gives leave to the Biſhop's Officers to exerciſe the Ordinary Juriſdiction,

— without diſturbing the Officers of the Archbiſhop.

THOMAS Permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Venerabili Confratri noſtro Domino Johanni, eâdem Permiſſione London.' Epiſcopo, Salutem ac Fraternam in Domino Charitatem. Cùm Nos Eccleſiam, Civitatem, & Diœceſ.' London', Jure Metropol.' viſitare proponen', Fraternitati tuæ, cæteriſque tuis Officiariis, ne eâdem Viſitatione pendente, aliquam Juriſdictionem Eccleſiaſticam infra dictas Eccleſiam, Civitatem & Diœceſ.' exerceres, & exercerent, nuper inhiberi fecimus, prout de Jure & legitima præſcripta Conſuetudine, & Eccleſiæ noſtræ Chriſti Cant.' ſpeciali prærogativâ inhibere potuimus, ex certis tamen rationabilibus cauſis Animum noſtrum moven', de tua circumſpectionis induſtria plurimùm confiden', eandem Inhibitionem noſtram in & uſque primum diem Menſis Septembris excluſivè relaxamus, ita ut Fraternitati tuæ, tuiſque Officiariis quibuſcunque, omnem & omnimodam Juriſdictionem Eccleſiaſticam infra dictas Eccleſiam, Civitatem & Diœceſ.' London', in & uſque eundem primum diem Septembris excluſivè liberè exercere & exequi liceat, eâ Inhibitione in aliquo non obſtan'; ita tamen quòd Nobis, & Commiſſariis noſtris quibuſcunque, liceat omnimodam Juriſdictionem in locis quibus viſitant ſive viſitabunt liberè exercere; Compertaque & detecta ſive detegenda in eâdem, pro noſtro & eorum beneplacito liberè reformare & corrigere, quâcunque relaxatione hujuſmodi in aliquo non obſtan.' In cujus Rei Teſtimonium, Sigillum Officialitatis Curiæ noſtræ Cant.' præſentibus apponi fecimus. Dat.' in Manerio noſtro de Lambeth, iii die menſis Julii, Anno Domini 1534, & noſtræ Conſecrationis Anno ſecundo. 1534.

IV. *Suſpenſio Abſentium à Viſitatione.*

Pag. 957.

Grindal, Regiſtr. f. 103, b.
* Robinſon.

All Incumbents who were Cited to the Viſitation, and are abſent,

—are ſuſpended *ab officio.*

IN Dei Nomine, Amen. Nos * Nicholaus, Permiſſione Divinâ Bangoren.' Epiſcopus, in hâc Viſitatione Metropoliticâ Reverendiſſimi in Chriſto Patris, & Domini Domini Edmundi, Dei Providentiâ Cantuarienſis Archiepiſcopi, totius Angliæ Primatis & Metropolitani, Authoritate ejuſdem Reverendiſſimi Patris, ejuſque vice & nomine, ritè & legitimè procedentes; omnes & ſingulos, Rectores, Vicarios, & alios Incumbentes, Capellanóſque & Curatos, quorum nomina in Regiſtro ejuſdem Viſitationis continentur, propter ſuas Contumacias in non comparendo coram nobis diebus & locis eis reſpective limitatis, Viſitationem hujûſmodi prout decet ſubitur.' legitimè & peremptoriè Citatos, Præconizatos, & non comparentes, pronunciamus Contumaces, Ipſóſque, & quemlibet eorum, in pœnam Contumaciarum ſuarum hujuſmodi à Celebratione Divinorum ſuſpendimus in hiis ſcriptis.

V. *Literæ Teſtimoniales ſuper abſolutione Clerici à quibuſcunque Sententiis Excommunicationis vel Suſpenſionis aliàs in eum latis, in non parendo Viſitationibus Generalibus Epiſcopi.*

2 Stanh. Vic. Gen. p. 277.

Recites — That the Vicar General had abſolved from the Excommunication,

RICHARDUS Permiſſione divinâ London.' Epiſcopus, Univerſis & ſingulis Rectoribus, Vicariis, Capellanis, Miniſtris & Curatis quibuſcunque, per Dioc.' & Juriſdictionem noſtram London.' ubilibet conſtitut', Salutem in Domino. Cum prædilectus nobis in Chriſto M^r Edwardus Stanhope, Legum Doctor, Vicarius noſter in Spiritualibus Generalis, & Officialis Principalis in & per totam Civitatem & Diœceſ.' noſtras London.' legitimè deputat', ritè & legitimè proceden', quendam Magiſtrum Petrum Lewes Clericum, Vicarium de Burnham in Com.' Eſſex', noſtrarum London.' Diœceſ.' & Juriſdictionis, tam à Sententia Excommunicationis vel Suſpenſionis, aliàs contra eum, in non comparendo in Viſitatione generali Reverendi Patris Confratris & Prædeceſſoris noſtri Johannis nuper Domini Epiſcopi London', Anno Domini milleſimo Quingenteſimo nonageſimo ſecundo, & in Viſitatione noſtra, Anno Domini milleſimo quingenteſimo nonageſimo quinto tent', quàm à quibuſcunque aliis Excommunicationibus vel Suſpenſionibus, Authoritate noſtra, vel Prædeceſſoris noſtri, quandocunque citra Annum Domini milleſim.' quingenteſim.' octogeſim.' ſeptim.' contra eum latis, promulgatis ſeu publicatis, quantùm de Jure Statutis & Conſtitutionibus hujus inclyti Regni Angliæ potuit, ſeu quoviſmodo poteſt; præſtitâ prius per dictum Petrum Lewes Fide de parendo Juri, & ſtando Mandatis Eccleſiæ, eum abſolvit & relaxavit, dictumque Petrum Lewes priſtino ſuo ſtatui ac functioni ſuæ Eccleſiaſticæ reſtituit, Juſtitiâ id exigen': Vobis igitur conjunctim & diviſim & committimus & mandamus, quatenus præfatum Petrum Lewes, ſic ut præfertur Authoritate noſtra à prædictis Sententiis Excommunicationum & Suſpenſionum abſolut.' & relaxat.' fuiſſe & eſſe, in Eccleſiis veſtris Parochialibus, diebus Dominicis & feſtivis prox.' ſequen.' poſt receptionem præſentium, inter Divinor.' ſolemnia, dum major in eiſdem ad divina audiend.' adfuerit Populi Multitudo, palàm & publicè denuncietis & declaretis cum Effectu, ſub Pœna Juris. Et quid in Præmiſſis feceritis, Nos, aut dictum noſtrum Vicarium in Spiritualibus Generalem, cum ad id requiſiti fueritis, debitè certificetis. Dat.' ſeptimo die menſis Junii, Anno Domini 1596, Et noſtræ Tranſlationis ſecundo.

— and requires the Clergy to publiſh the Abſolution.

1596.

Pag. 959.

VI. *Monitio Viſitantis, de detegendo fideliter Crimina & Exceſſus.*

* Courtney, Regiſtr. f. 129, b.

The End of Viſitations, being to reform what is amiſs;

IN Dei Nomine Amen; Quia, ut Canonica teſtatur Auctoritas, hoc ſolum bene agitur ut vita hominum corrigatur, quod tam perſonarum quam rerum Eccleſiæ reformationem pertinere conſpicimus: Nos * Willielmus Permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Apoſtolicæ Sedis Legatus, hanc Eccleſiam Cathedralem Ciceſtren.' & perſonas ejuſdem, tam in Capite quàm in Membris jure Metropolitico (prout noſtro incumbit officio) viſitare volentes, eandem tam in perſonis quam rebus corrigere & ſingula reformanda reformare, ut ſanus & expediens ſit in ipſâ Viſitatione progreſſus, ne veritas inquirendorum in eadem per aliquorum maliciam occultetur; Vobis Præſidenti, Capitulo, ac ſingulis Canonicis & Miniſtris dictæ Eccleſiæ & cuilibet veſtrûm in virtute obedientiæ, & in periculis animarum veſtrarum præcipimus & injungimus, necnon Vos Præſidentem & Capitulum ac quemlibet veſtrûm monemus primò, ſecundò, & tertiò, ac etiam unâ monitione pro omnibus peremptoriè (cùm nos ad id negotiorum occupatio & anguſtia temporis arctet) indicimus & hortamur, quòd quicquid in perſonis vel rebus Eccleſiæ hujuſmodi videritis, aut aliquis veſtrûm viderit detegendum, nobis in inſtanti Viſitatione unuſquiſque veſtrûm, juxta ſcientiam ſeu credulitatem ſuam ſecundùm quod fama eſt, expreſſè denunciet; nihil ex hiis quæ ad Viſitationem pertinent celando quod crediderit eſſe verum, & quod nullum falſum denunciare præſumat: Item, quòd nullus veſtrûm quoad id quod in hac Viſitatione quæſitum extiterit, aut quid ſuper hoc dixerit ſeu fecerit, cuicunque alteri detegat vel revelet, ſeu quod dictum vel oſtenſum extiterit, exploret ſeu explorare conetur directè vel etiam indirectè, ſigno, verbo, vel facto; aut impediat ſeu impediri faciat vel procuret, clàm vel palàm, quin veritas in præmiſſis omnibus nobis plenariè detegatur ſeu etiam oſtendatur; aut, quò minùs fiat Correctio congrua ſuper eis, vel impedientibus hujuſmodi faveat ſuper hoc quoquomodo. Item, ne occaſione Viſitationis noſtræ prædictæ ſeu delationis cujuſcunque in Viſitatione eâdem faciendæ, aut alicujus facti noſtram hujuſmodi Viſitationem tangentis, aliquis veſtrûm alii conviciare, gravare, aut moleſtare præſumat, ſub pœna majoris Excommunicationis in omnes illos & ſingulos de iſto Capitulo, qui contra præmiſſa quicquid ſcienter facere vel attemptare præſumpſerint, aut omnibus & ſingulis monitionibus, in-

— a ſolemn Admonition is given,

— to Preſent faithfully according to their knowledge,

— not to publiſh ſuch Preſentments elſewhere,

— nor to trouble any for Preſenting;

— upon pain of the greater Excommunication.

dictonibus & Injunctionibus prænotatis ſcienter, ut ſupra, non paruerint, Canonicè fulminandæ.

VII. *Denunciatio Excommunicationis contra inferentes moleſtiam Præſentatoribus in Viſitatione.*

Pag. 965.

† Peccham, Regiſtr. f. 208, a, 2d.

A general Monition having been given in the Viſitation, to detect the Truth,

— and that none ſhould be diſturbed for ſo doing;

Excommunication is required to be publiſhed, againſt divers who have diſturbed them.

FRATER † J. &c. Dilecto Filio Archidiacono Aſſaven.' Salutem, Gratiam, & Benedictionem. Cum Nos Viſitationis Officium in Aſſaven.' Diœceſ.' Auctoritate Metropoliticâ exercentes, omnibus & ſingulis, tam Clericis quàm Laicis, ſingulorum Decanatuum, diſtrictè Injunxerimus, ut ſuper omnibus Articulis, Viſitationis noſtræ Officium contingentibus, quibus per Nos & Clericos noſtros ritè requiri contingeret, puram & nudam nobis dicerent veritatem; Inhibentes publicè ſub pœna Excommunicationis Majoris, quam tulimus in contrarium facientes, nè eorum cuiquam, qui Nobis & noſtris ſuas Conſcientias revelarent, aliquis propter hoc, clam vel palam, inferret, ſeu inferri procuraret aliquatenùs moleſtiam vel gravamen; Abſolutionis Beneficium Nobis ſuper hoc ſpecialiter reſervantes: Ac intellexerimus quòd nonnulli Iniquitatis Filii, ipſam Excommunicationis Sententiam non verentes, quibuſdam Deum timentibus, qui Nobis & noſtris in ipſâ Viſitatione noſtrâ, bonâ fide, ſuas Conſcientias intimârunt, graves manus inferunt & intentant: Vobis mandamus, in virtute obedientiæ firmiter injungentes, quatenùs hujuſmodi noſtram Sententiam in Eccleſiâ de Rothelan, & omnibus Eccleſiis Archidiaconatûs veſtri, necnon & aliis locis quibus expedire videritis, diebus Dominicis & Feſtivis, publicè nuncietis, & faciatis per alios noſtros Subditos nunciari. Dat.' apud Rothelan. 14 Kal. Jul.

VIII. *Sententia contra quemlibet impedientem Detectiones in Viſitatione.*

Reynolds, f. 81, a, b.

It often happens that Preſentments in Viſitations are hindered by indirect Engagements,

— which are hereby declared void,

— and all Perſons admoniſhed to detect,

— and none to *damnify* the Perſons Detecting.

IN Dei Nomine, *Amen.* Quoniam frequenter contra Conſtitutiones Sanctorum Patrum, & in fraudem Effectûs earum, conſueverunt Machinationes & Conſpirationes contra Viſitationem Prælati, Juramentis, Fidei Dationibus & Promiſſionibns, ac Pactionibus aliis illicitis multoties fieri, prout Experimento nonnunquam didicimus, ut ſic in Viſitationibus faciendis reformandorum veritas, ad grave Animarum Periculum, minimè poſſit perſcrutari; Nos Walterus Permiſſione Divinâ Cantuar.' Archiepiſcopus, totius Angliæ Primas, viſitandi Cauſâ jam inter Vos perſonaliter conſtituti, Conſpirationes, Conjurationes, Machinationes, & quaſcunque illicitas Pactiones, quibuſcunque Promiſſionibus, Fidei Dationibus, ſeu Juramentis vallatas, ſi quæ ſint, contra noſtram inſtantem Viſitationem, inter & per quaſcunque Perſonas initæ atq; factæ, reprobamus expreſſè, & à Jure declaramus eſſe penitùs reprobatas, irritas, atque nullas, & quatenus de facto proceſſerint undique revocamus. Vos, & omnes & ſingulos quos hæc noſtra Viſitatio contigerit, pro primâ, ſecundâ, & tertiâ peremptoriâ monitione, juxta Negotii Qualitatem, in Virtute Sanctæ Obedientiæ monemus, ac Vobis ſub pœna Excommunicationis Majoris, quam in Perſonam cujuſlibet veſtrûm Veritatem tacentium, quocunque colore quæſito, proferimus in hiis Scriptis, diſtrictè præcipiendo mandamus & præcipimus, quòd quilibet veſtrûm, quam audiverit, crediderit, & noverit, in inquiſitione ſecretius & ſeorſum faciendâ, exprimat & dicat plenam & meram motu proprio Veritatem, ſuper omnibus & ſingulis corrigendis & reformandis, correctione & reformatione indigentibus, tam in rebus Monaſterii, quam Perſonis. Sub eâdem nihilominus Pœnâ diſtrictius inhibentes, ne quis veſtrûm petat vel inquirat ab alio præexaminato quid & de quo dixerit, vel alteri exponat quod in examinatione ſuâ depoſuit quoquomodo vel revelet. Abſolutionem ipſorum qui prædictam noſtram Sententiam incurrerint, Nobis ſpecialiter reſervantes; Cuilibet etiam veſtrûm, ſub pœna præſcriptâ, arcius inhibemus, ne quis veſtrûm, ... occaſione detectorum, & eorum quæ in hac noſtra Viſitatione ſunt geſta, alicui improperet aut dampnum per ſe inferat, inferrive per alium faciat quomodolibet vel procuret, in rebus alterius vel perſona.

Pag. 959.

IX. *Sequeſtratio Fructuum, pro non* Exhibendo, *in Viſitatione.*

* Iſlip; Regiſtr. f.71, b.

*SIMON, &c. Dilecto Filio & Commiſſario noſtro Cantuarien.' Generali, Salutem, Gratiam & Benedictionem. Cum in certo Viſitationis negotio, omnes & ſingulos Rectores & Vicarios Beneficiorum Eccleſiaſticorum noſtræ Diœceſis ad exhibend.' Juris Titulos, ſi quos haberent, in Beneficiis hujuſmodi, ac Ordinum ſuorum literas, inſtrumenta, & documenta quæcunque, quæ eis de Jure neceſſaria ſeu competentia fuerint in hac parte, pro termino peremptorio exhibitur.' & oſtenſur.' ad certos diem & locum competentes, in viſitatione noſtra hujuſmodi, nuper coram nobis legitimè fecerimus evocari: ſed nonnulli eorum, videlicet Dominus Petrus, Capellanus perpetuus Capellæ de Dourle, Johannes de Magna Chart. Stephanus Archipresbyter de Olcombe, &c. — coram nobis juxta evocationem hujuſmodi minùs ſufficienter, pro juris ſui titulo in hujuſmodi beneficiis, quatenus ad ipſos & quemlibet eorum pertinuit, propoſuerunt, exhibuerunt, ac etiam oſtenderunt; unde pro noſtræ informatione conſcientiæ pleniori, ipſis alium diffuſum & competentem terminum jam elapſum ad plenè exhibend.' ſi quid habuerint in hac parte, præfiximus & aſſignavimus pro termino peremptorio de noſtrâ gratiâ ſpeciali; ſed præfati Rectores & Vicarii prætenſi in hujuſmodi termino ipſis (ut præmittitur) iterùm aſſignato nihil in ea parte exhibere curârunt, ſed ſe in dicto termino contumaciter abſentârunt, propter quod fructus, reditus, & proventus omnium & ſingulorum beneficiorum prædictorum meritò fore duximus ſequeſtrandos: Vobis igitur committimus & mandamus, quatenùs fructus, reditus & proventus hujuſmodi, quos præfati & prænominati ad ſe aſſerunt pertinere, legitimè ſequeſtretis & ſub ſalvo & arcto cuſtodiatis Sequeſtro, donec de Jure eorum in ea parte plenè fuerimus informati, ſeu aliud à nobis ſuper hoc habueritis in mandatis. Proviſo, quòd dictis beneficiis de fructibus & proventibus eorundem deſerviatur (ut convenit) laudabiliter in divinis, & alia onera ipſis Eccleſiis incumbentia interim ſupportentur. Et quid feceritis in præmiſſis, Nos citra Feſtum Natalis Domini prox.' futur.' Certificetis per Literas veſtras patentes, harum ſeriem continentes. Dat.' apud Maidenſtan.' ſecundo Kalendarum Decembris,
1350. Anno Domini milleſimo trecenteſimo quinquageſimo.

Divers Clergymen having omitted to make due Exhibits in a Viſitation,

—and remaining in Contempt after Monition,

—are put under Sequeſtration;

—with Proviſo for Service of the Cure, &c.

Pag. 964.

X. *Commiſſio ad Corrigendum & Puniendum Detecta in Viſitatione Metropoliticâ.*

* Courtney; Regiſtr. f.105. a.

*WILLIELMUS &c. Civitatem & Diœceſin Exon.' actualiter viſitantes, Dilectis in Chriſto Filiis, Magiſtris Nicholao Hadeley, & Johanni Langkarn Juris peritis, Salutem, Gratiam & Benedictionem. Ad corrigendum, reformandum & Canonicè puniendum, quæcumque Crimina, Exceſſus, & Defectus in dictâ Viſitatione noſtrâ comperta & detecta, ac etiam detegenda; necnon ad cognoſcendum & procedendum in quibuſcumque cauſis & negotiis, ex officio mero vel promoto, ſive ad inſtantiam partium, in dictâ viſitatione emergentibus, ad forum Eccleſiaſticum qualitercumque ſpectantibus, ipſáſque Cauſas & negotia, cum omnibus ſuis incidentibus, emergentibus, dependentibus & connexis, fine debito terminandum, & quod decreveritis Executioni debitæ demandandum, necnon ad inſinuandum & probandum Teſtamenta quorumcumque dictæ Diœceſeos, & tam eorum, quàm aliorum ab Inteſtato decedentium, bonorum adminiſtrationem in formâ juris debitâ committendum, calculumque adminiſtrationis audiendum, & Acquietantias inde faciendum; Vobis, de quorum fidelitate & Circumſpectionis Induſtriâ plenam in Domino Fiduciam obtinemus, Vices noſtras Committimus cum Coërtionis Canonicæ Poteſtate. Dat.' apud Exon.' primo
1384. die Menſis Maii, Anno Domini &c. 1384, & noſtræ Tranſlationis tertio.

The correcting of Crimes detected in the Viſitation of a Biſhop.

—with all Cauſes emerging therein,

—referred to particular perſons, by ſpecial Commiſſion.

Pag. 964.

XI. *Commiſſio ad Corrigendum & Puniendum Detecta in Viſitatione Diœceſanâ.*

* Baudak; Regiſtr. f. 8, b.

*RADULPHUS, &c. Dilectis in Chriſto Filiis Magiſtris Johanni de Coleceſter, Willielmo de Haſtede, & Willielmo de Melford, Clericis noſtris, Salutem, Gratiam, & Benedictionem. Ad corrigendum & debitè reformandum crimina & Exceſſus quorumcunque ſubditorum noſtrorum in Civitate London.' vel ejus ſuburbio, quorum Examinatio, Correctio, ſeu Reformatio, occaſione Repertorum aut Reperiendorum in præſenti Viſitatione noſtrâ quam exercemus ibidem, uſque ad ipſius expeditionem finalem ad nos Jure noſtro ſeu aliàs devoluto pertinent ſeu pertinere poterunt de Conſuetudine vel de Jure: Et inſuper, ad inquirendum generaliter & ſpeci-

The correcting of Crimes detected in the Viſitation of a Biſhop,

—with all matters belonging thereunto,

—refered to particular perſons by ſpecial Commiſſion.

aliter, quotiens & quando expedire videritis, de Criminibus & Exceſſibus ſupradictis, & pro eiſdem pœnas Canonicas infligendum, & ſalutares pro commiſſis pœnitentias injungendum, necnon in Cauſis, litibus, & querelis, circa Expeditionem Viſitationis ejuſdem emergentibus cognoſcendum, diſcutiendum, & eas Fine Canonico decidendum, & ad faciendum & exequendum ulteriùs, quæ circa præmiſſa, vel eorum aliqua, neceſſaria fuerint ſeu etiam opportuna; Vobis & veſtrûm cuilibet, per ſe & in ſolidum, vices noſtras committimus, cum coërtionis Canonicæ poteſtate; Ita quòd inchoata per alterum veſtrûm, per alios vel alium, non expectatâ inchoantis alterius præſentiâ, continuari valeant & debitè terminari. Dat.' apud Stebbenheth, vi Non.' Octobris, Anno Domini milleſimo trecenteſimo ſexto. 1306.

XII. *Sequeſtratio pro non Solutione Procurationum Debitarum Ratione Viſitationis Epiſcopalis.*

Recites—That ſeveral Rectors had refuſed to pay Procurations for the laſt Viſitation,

—and power given to the Official of the Archdeacon, to levy them by Cenſures.

Read, Ciceſtr. f. 40. a.

ROBERTUS Permiſſione Divinâ Ciceſtren.' Epiſcopus, Dilecto nobis in Chriſto Filio, Officiali Archidiaconi noſtri Lewen', Salutem, Gratiam, & Benedictionem. Quia Rectores & Occupatores Eccleſiarum & Beneficiorum, quarum Eccleſiarum & Beneficiorum Nomina inferius deſcribuntur, Procurationes nobis Ratione ultimæ Viſitationis noſtræ in Archidiaconat.' prædict.' fact.' debitas, poſt varias & canonicas Monitiones in ea parte legitime factas ſubtrahere præſumpſerunt, ac nobis ſolvere temerè contradicunt, contra canonica Inſtituta; vobis in virtute Obedientiæ & ſub Pœna Contemptûs præcipimus, committimus & mandamus, quatenus ad Levationem Procurationum prædict.' de Eccleſiis & Beneficiis prædictis, per Suſpenſionem & Interdicti Eccleſiarum & Beneficiorum hujuſmodi, ac Sequeſtrationis Fructuum eorundem Summas, canonicâ monitione præmiſſa, contra temerarios in hac parte contradictores debite procedatis, Et ſi quos inveneritis Violatores Sequeſtrationis, aut Summarum hujuſmodi, citetis eoſdem quod compareant coram nobis aut Offic.' noſtro in Eccleſiâ noſtrâ Cathedrali, Die Lunæ prox.' poſt Feſtum Sancti Matthæi Apoſtoli prox.' futur.' ſuper temeraria Violatione prædict', ex Officio noſtro mero eis per Nos aut Offic.' noſtrum prædictum objiciendis, in Formâ Juris reſponſur.' ulteriuſque factur.' & receptur.' quod, Juſtitia ſuadebit. Et quid feceritis in præmiſſis, Nos aut dict.' noſtrum Offic.' ante dict.' Diem Lunæ debite certificetis authentice, ſub Sigillo. Dat.' in Manerio noſtro de Amble.' x° Die Menſis Auguſti, Anno Domini milleſimo quadringenteſimo tertio, Et noſtræ Tranſlationis Anno ſeptimo. 1403.

XIII. *Bulla ad monendum Archidiaconum Cantuarienſem ad* Reſidentiam, *alioquin ad privandum eundem.*

The Pope recites that the Archdeacon of Canterbury did not reſide within his Archdeaconry,

—and requires the Archbiſhop to Cite him to Reſidence, and in caſe of Refuſal, to Deprive him.

Sudb. f. 58, a. 1ſt.

URBANUS Epiſcopus Servus Servorum Dei, Venerabili Fratri Archiepiſcopo Cantuar.' Salutem, & Apoſtolicam Benedictionem. Ad Audientiam noſtram pervenit, quòd Dilectus Filius Ademarus de Ruppe Archidiaconus Cantuar', qui Archidiaconatum Eccleſiæ Cantuarienſis, Ordinis Sancti Benedicti, conſuetum Clericis ſecularibus aſſignari, qui in eadem Eccleſia Dignitas exiſtit, & Curam habeat Animarum annexam, optinet de præſenti, Curam hujuſmodi non exercet, nec unquam in eodem Archidiaconatu ullam fecit reſidentiam perſonalem, quin imò Maneria, Domus, & Ædificia ad dictum Archidiaconatum ſpectantia collabi, ac Jura ejuſdem Archidiaconatûs multipliciter deperire permittit; quòdque ipſe, qui de Terris Acquitaniæ oriundus exiſtit, inimicis cariſſimi in Chriſto Filii noſtri Richardi Regis Angliæ illuſtris ſe conjunxit, & etiam converſatur: Nos igitur, cupientes ſuper præmiſſis ſalubriter providere, Fraternitati tuæ per Apoſtolica ſcripta committimus & mandamus, quatenus eundem Ademarum, per edictum publicum, in eadem Eccleſia, ac in Loco de Bruges Tornacen.' Dioc.' affigendum, Auctoritate noſtrâ moneas, ut infra certum Peremptorium Terminum competentem, quem ei ad hoc duxeris præfigendum, ad eundem Archidiaconatum perſonaliter accedat, ac in ipſo Archidiaconatu, prout tenetur, reſidentiam faciat perſonalem; & ſi Monitioni hujuſmodi non paruerit cum effectu, ipſum Ademarum Archidiaconatu prædicto, Auctoritate præfatâ ſententialiter prives & amoveas ab eodem, contradictores per cenſuram Eccleſiaſticam, Appellatione poſtpoſitâ compeſcendo: Non obſtante, ſi eidem Ademaro vel quibuſvis aliis, conjunctim vel diviſim, à præfatâ ſit ſede indultum, quòd interdici ſuſpendi vel excommunicari non poſſint, per Literas Apoſtolicas non facientes plenam & expreſſam, ac de Verbo ad Verbum de indulto hujuſmodi, Mentionem. Volumus enim, & Apoſtolica Auctoritate dedimus, quòd monitio hujuſmodi perinde dictum Ademarum artet, ac ſi perſonaliter apprehenſus fuiſſet. Dat.' Romæ apud Sanctam

tam Mariam tranſtiberim, ſeptimo Kal.' Decembris, Pontificatûs noſtri Anno primo.

XIV. *Commiſſio Ordinarii ad exercend.' Juriſdictionem Archidiaconalem, vacante Archidiaconatu.*

Reynolds, f. 130. a.

WALTERUS &c. Dilecto Filio Magiſtro Roberto de Mallings, Commiſſario noſtro Cantuarien', Salutem, Gratiam & Benedictonem. Ad excercendum omnimodam Juriſdictionem Archidiaconalem in Archidiaconatu Cantuarienſi jam vacante, Cujus Juriſdictio, durante Vacatione ejuſdem, ad nos pertinere dinoſcitur, Vobis Vices noſtras committimus, cum cujuſlibet Cohercionis canonicæ poteſtate. In cujus Rei Teſtimonium, Sigillum noſtrum præſentibus duximus apponendum. Datum apud Lameht, decimo ſexto Kalend.' Maii, Anno Domini milleſimo trecenteſimo vigeſimo tertio. 1323.

XV. *Commiſſio ad tenendum Capitula infra Archidiaconatum, Archidiaconatu ibidem jam vacante.*

Iſlip, f.238. a.

Commiſſion to exerciſe all manner of Archidiaconal Juriſdiction in the Archdeaconry of Lewes, during the Vacancy, and to hold Archidiaconal Chapters, —and to prove Wills, and grant Adminiſtrations.

SIMON &c. Dilecto Filio Domino Waltero de Lyndrygg, Rectori Eccleſiæ de Hammys, Cic.' Dioc', Salutem &c.—De cujus Fidelitate & Induſtriâ confidentes, ad exercend.' omnem & omnimodam Juriſdictionem Archidiaconalem in Archidiaconatu Lewen, Archidiacono jam carente, necnon ad celebrand.' ſive tenend.' Capitula Archidiaconal', & faciend.' ac expediend.' omnia & ſingula Juriſdiction.' hujuſmodi concernentia, necnon inquirend.' de ſuper criminibus & exceſſibus ſubditorum Archidiaconatûs prædict', & aliorum ratione vel contractus forum Eccleſiaſticum ſortientium in eodem, quorum quidem Criminum & Exceſſuum correctio & punitio ad Archidiaconum Lewen, qui pro tempore fuit, pertinenti de conſuetudine vel de Jure, probationeſque Teſtamentorum concernentia, Executorum in eiſdem nominat', vel aliis ex officio deputand.' decedentium, necnon ad diſponend.' de bonis inteſtatorum in Archidiaconat.' prædict', prout ſecundùm Deum & Juſtitiam videritis expedire, Tibi, cum cujuſlibet Cohertionis Poteſtate, Vices noſtras committimus per Præſentes, donec eas ad nos duxerimus revocand.' Dat.' &c. 1362. 1362.

XVI. *Decretum quòd Synodalia ſunt Proficua Spiritualia.*

Whitgift, part 3. f. 137, b.

Attorney General acknowledges, that Synodals are *Spiritual* Profits,

EDWARDUS Cooke, Armiger, Attornatus Dominæ Reginæ nunc Generalis, qui pro eâdem Dominâ Reginâ in hac parte ſequitur, præſens hic in Curiâ in propriâ perſonâ ſuâ, pro eo quòd evidenter apparet eidem Attornato Generali, tam per Certificationem ſub manu propriâ Johannis Tayler Deputati Edwardi Stafford Militis Rememoratoris Primitiarum & Decimarum prædict.' quòd prædicta Synodalia ſunt *ſpiritualia*, quàm per Teſtimonium diverſorum aliorum fide dignorum, quòd dicta Synodalia Spiritualia exiſtentia collecta & ſoluta fuerunt (in Synodo tent.' tam in Norwic.' in Comitatu Norff.' quam in Ipſewich in Comitatu Suffol.' ſecundùm Conſuetudinem priſtini Temporis) Cuſtodibus & Gardianis Spiritualium tunc pro tempore exiſtentibus: Ideò idem Attornatus Generalis non dedicit, quin fatetur placitum præfatorum Thomæ Peede, Richardi Crampton, Pauli Poole & Willielmi Robinſon, fore verum, modo & forma, prout ipſi Superiùs placitaverunt & allegaverunt.

—and accordingly the Parties under Profecution are diſcharged, as to the Queen.

Et viſis præmiſſis per Barones, habitaque maturâ deliberatione inde inter eoſdem, conſideratum eſt per eoſdem Barones, quòd prædicti *Thomas Peede*, *Richardus Crampton*, *Paulus* Poole, & *Willielmus Robinſon* de prædictis *ſeparalibus* Summis in ſeparalibus demandis prædictis mentionatis, erga dictam Dominam Reginam nunc exonerentur, & eorum quilibet exoneretur prætextu premiſſorum, ſalvâ Actione dictæ Dominæ Reginæ, ſi &c.

XVII. *Method of preventing the Miſchiefs and Vexations ariſing from two concurrent Juriſdictions of Biſhops and Archdeacons.*

Articles of Agreement.

Between the Right Rev. Father in God, Edmund Lord Biſhop of Lincoln, and the Rev. the Archdeacons, within the Dioceſe of Lincoln. Namely, The Rev. Dr. John Mandevile, Archdeacon of Lincoln, The Rev. Mr. Nicholas Clagett, Archdeacon of Buckingham, The Rev. Dr. David Trimnell, Archdeacon of Leiceſter, The Rev. Mr. John Sturges, Archdeacon of Huntingdon, The Rev. Mr. Thomas Frank, Archdeacon of Bedford, and the Rev. Mr. Laurence Echard, Archdeacon of Stow;

Made and entered into, in behalf of themſelves, and their Succeſſors, reſpectively, For Setling the Eccleſiaſtical Juriſdiction, and the Exerciſe thereof, within the ſeveral Archdeaconries of the Dioceſe of Lincoln.

WHEREAS great Diſputes have ariſen, from time to time, between the Commiſſaries and Officials, within the ſeveral Archdeaconries of the Dioceſe of Lincoln, in Relation to the Exerciſe of Eccleſiaſtical Juriſdiction; inſomuch that very lately no leſs than four different Diſputes were depending, between the reſpective Commiſſaries and Officials of the Archdeaconries of Lincoln, Leiceſter, Huntingdon, and Bedford, to the great Inconvenience and Perplexity of the Subjects, and the Reproach of the Eccleſiaſtical Courts: As alſo to the great Grief and Concern of the Biſhop, and the ſeveral Archdeacons, from whom thoſe Juriſdictions are derived, and to the no ſmall Expence and Vexation of the Commiſſaries and Officials themſelves; All which Miſchiefs do evidently ariſe from a Concurrency of two Juriſdictions, exerciſed by ſeveral Judges and ſeveral Regiſters in each Archdeaconry, reſpectively:

Wherefore to prevent the like Vexation, Charge, and Reproach, for the time to come; The Biſhop and the ſeveral Archdeacons, before mentioned, have, for themſelves, and their Succeſſors, reſpectively, upon due Deliberation, and by common Conſent, entred into, and eſtabliſhed the following Agreement.

Firſt, That in all times to come, there ſhall be but one Judge and one Regiſter appointed for each Archdeaconry within the Dioceſe of Lincoln, and the ſame Perſon ſhall be appointed Judge, and alſo one and the ſame Perſon ſhall be appointed Regiſter, both for the Juriſdiction of the Biſhop and the Juriſdiction of the Archdeacon, within each Archdeaconry. But yet ſo, that both Judge and Regiſter be conſtituted by Virtue of diſtinct Commiſſions or Patents, that is to ſay, that the Commiſſary and Regiſter under him, be conſtituted by the Biſhop, and the Official and Regiſter under him, be conſtituted by the Archdeacon.

Secondly, That ſuch Perſons ſo to be conſtituted Judge and Regiſter, reſpectively, for the Exerciſe of Juriſdiction, be named alternately by the Biſhop and Archdeacon, upon every Vacancy which ſhall hereafter happen, by the Death, Reſignation or Deprivation of the reſpective Judges and Regiſters now in being; That is to ſay, The Biſhop to name to the Office of Judge, upon the firſt Vacancy of that Office which ſhall happen; and the Archdeacon to name to the Office of Regiſter, upon the firſt Vacancy of that Office which ſhall happen in any Archdeaconry, or *vice verſâ*, as ſhall be agreed between the preſent Biſhop, and each Archdeacon, and expreſſed in a *Memorandum* to be annexed to this Agreement. And ſo ſucceſſively the Nomination to the two Offices, ſeverally, to be for ever alternate: The Biſhop naming to the ſecond Vacancy of the Regiſterſhip, in caſe the Archdeacon name to the firſt; and the Archdeacon naming to the ſecond Vacancy of the Office of Judge, in caſe the Biſhop name to the firſt. And for the better aſcertaining of the ſeveral Turns, and alternate Right to nominate, as abovesaid, expreſs mention ſhall be made in every Commiſſion or Patent, at whoſe Nomination the Perſon receiving ſuch Commiſſion was conſtituted.

Thirdly, That the Commiſſions or Patents, to be granted as abovesaid, by the Biſhops and the Archdeacons, reſpectively, be drawn in the like Form, Manner, and Extent, as hath been moſt cuſtomarily uſed in appointing Judges and Regiſters for the ſeveral Archdeaconries ſince the Year 1660.

Fourthly,

Fourthly, That the Perſon conſtituted, as aboveſaid, to be Commiſſary and Official, do exerciſe all Juriſdiction (which he is enabled to exerciſe by the Commiſſion either of the Biſhop or Archdeacon, in the Name of the Commiſſary and Official joyntly, and that all Inſtruments whatſoever do paſs under one and the ſame Seal to be inſcribed, Sigillum Commiſſarii & Officialis Archidiaconatûs de ——— Except only ſuch Juriſdiction as ſhall be exerciſed by the Archdeacon in his Viſitation (that is, ſuch Buſineſs as properly belongs to the Viſitation, and directly ariſes from it) All which ſhall be diſpatched in the name and under the Seal of the Official, Singly: and except Inductions to Benefices, the Mandates for which ſhall be directed to the Archdeacon or his Official, and the Fees thereof ſhall continue to be ſeperately received and enjoyed in the ſame manner as they have hitherto been.

Fifthly, and the more effectually to prevent all manner of Diſputes, which might ariſe in time to come from Concurrences in Juriſdictions, or from any pretence to ſuch Concurrences; it ſhall be ſpecially provided in all Commiſſions and Patents, hereafter to be granted by the Biſhop, or his Succeſſors, of the Office of Vicar General, Official Principal or Chancellor, and every of them, That ſuch Vicar General, Official Principal or Chancellor, ſhall not exerciſe Juriſdiction in any Archdeaconry, either by iſſuing Citations into any of the ſaid Archdeaconries, or by appointing Surrogates in any of them for the proſecution or diſpatch of any buſineſs whatſoever, Except ſuch Buſineſs as neither the Commiſſary nor Official are lawfully, and by the Tenor of their Commiſſions enabled to tranſact, and except all other Buſineſs whatſoever, during ſuch time as both the Commiſſary and Official ſhall be inhibited by reaſon of the Biſhop's Primary or Triennial Viſitations, and ſuch Buſineſs as hath ariſen in the Viſitation of the Biſhop, and doth properly belong to ſuch Viſitation: All which the Vicar General may purſue and finiſh after the time of the Viſitation ended, and the Inhibition taken off, as by Law he may, and as hath been hitherto accuſtomed.

Sixthly, That nothing which is mentioned and agreed upon, in the aforeſaid Articles, or any of them, be interpreted to take away or prejudice the Right of the Biſhop, or of any Archdeacon to receive for his own proper Uſe ſuch Præſtations, Procurations and Penſions, as he, or they, reſpectively, have been uſed to receive, and are by Law entitled unto.

Seventhly, That in every of the ſaid Archdeaconries, wherein the Commiſſary and Official are now different Perſons, when either the Commiſſary, or the Official, ſhall dye, or otherwiſe reſign his Office, the Survivor ſhall ſucceed him in the Office of Commiſſary and Official, reſpectively, receiving a new Commiſſion for that end from the Biſhop to be Commiſſary, or from the Archdeacon to be Official, according as the one or the other ſhall happen to be firſt vacant; and in like manner, where in any of the Archdeaconries there be one or more Regiſter or Regiſters, who have been appointed by the Biſhop for the Commiſſary, and one or more Regiſter or Regiſters, who have been appointed by the Archdeacon for the Official; In ſuch caſe, upon the death or reſignation of the perſon or perſons appointed, by either of the Patents or Commiſſions, to be Regiſter to the Commiſſary or Official, as aboveſaid, the perſon or perſons, who have been appointed in the other Patent or Commiſſion, ſhall ſucceed him or them in the Office of Regiſter to the Commiſſary, or Regiſter to the Official, reſpectively, receiving a new Commiſſion for that end from the Biſhop to be Regiſter to the Commiſſary, or from the Archdeacon to be Regiſter to the Official, according as the one or the other ſhall happen to be firſt vacant: And the Biſhops and Archdeacons, and the Succeſſors of both, ſhall be obliged to grant ſuch Patents or Commiſſions, to the Survivor or Survivors, in every ſuch Archdeaconry, as aforeſaid.

Memorandum.

Purſuant to the ſecond Article of the Agreement, aforeſaid, relating to the Firſt Nominations of the Perſons to the ſeveral Offices of Judge and Regiſter; after the deceaſe, reſignation, or deprivation of the Commiſſaries, Officials, and Regiſters, reſpectively, now in being. It is agreed between the Right Rev. the preſent Biſhop, for himſelf, and his Succeſſors, and the Rev. the preſent Archdeacons, for themſelves, and their Succeſſors, as follows;

For the Archdeaconry of Lincoln, the firſt Nomination of the Judge to be in the Biſhop, and the firſt Nomination of the Regiſter to be in the Archdeacon.

For the Archdeaconry of Buckingham, the firſt Nomination to the Office of to be in the Biſhop, and the firſt Nomination to the Office of to be in the Archdeacon.

For the Archdeaconry of Leiceſter, the firſt Nomination to the Office of Judge to be in the and the firſt Nomination to the Office of Regiſter to be in the

For the Archdeaconry of Huntingdon, the firſt Nomination to the Office of Judge to be in the Biſhop, and the firſt Nomination to the Office of Regiſter to be in the Archdeacon.

For the Archdeaconry of Bedford, the firſt Nomination to the Office of Judge to be in the and the firſt Nomination to the Office of Regiſter to be in the

For the Archdeaconry of Stow, the firſt Nomination to the Office of Judge to be in the Archdeacon, and the firſt Nomination to the Office of Regiſter to be in the Biſhop.

XVIII. *Commiſſio pro Viſitatione Parochiali.*

The Biſhop Commiſſions two Glergymen, to viſit every Church, Parſonage-Houſe, &c. within an Archdeaconry,

Reg. Ciceſtr.'

JOHANNES Permiſſione divinâ Ciceſtr.' Epiſcopus, Dilectis nobis in Chriſto A. B. & C. D. Clericis, Salutem, Gratiam & Benedictionem. Cùm (uti ex Relatione Fide dignâ acceperimus) quam plures Eccleſiæ Parochiales & Capellæ infra Decanatum de Lewes, ac Domus manſionales, & alia Ædificia prædict', ad eaſdem Eccleſias & Capellas ſpectan.' & pertinen', valdè ruinoſæ ſint & Dilapidatæ; Nos, Remedium in hac parte opportunum (prout ex Officio noſtro tenemur) providere cupien', Ad viſitand.' perſonaliter omnes & ſingulas Eccleſias parochiales, & Loca Eccleſiaſtica in & per totum Decanatum de Lewes prædict', necnon Cœmeteria, ac Domus manſional', ac alia Ædificia quæcunque ad hujuſmodi Eccleſias & Capellas ſpectan.' & pertinen', quibuſcunque diebus citra Feſtum Sancti Andreæ prox.' futur'; Atque hujuſmodi Eccleſias & Capellas, ac Libros, Ornamenta, cæteraque Bona ac Utenſilia neceſſaria quæcunque, earundem Eccleſiarum & Capellarum, Domuſque Manſionales ac alia Ædificia Eccleſiaſtica prædict', tam intus quam extra, intuendi, inſpiciendi & denotandi, & Ruinas, Dilapidationes, Decaſus, Enormia ſeu Defectus quoſcunque in hujuſmodi Eccleſiis, Capellis, Ornamentis, Cœmeteriis, Domibus vel Ædificiis invent.' ſeu deprehen', Reparatione, Reformatione, vel Renovatione indigen', fideliter denotandi & deſcribendi: Vobis, de quorum Fidelitate, Sedulitate, ac in hujuſmodi Rebus gerendis Dexteritate plurimum in hac parte confidimus, Vices noſtras, & Vicarii noſtri in Spiritualibus generalis, conjunctim & diviſim committimus, ac plenam tenore præſentium concedimus poteſtatem. Mandantes, & firmiter per Præſentes injungen.' omnibus & ſingulis Guardianis ſive Oeconomis, & Inquiſitoribus quibuſcunque infra Decanatum prædict', ut vobis præfatis Commiſſariis noſtris, & cuilibet veſtrûm, in Acceſſu veſtro hujuſmodi ad eorum reſpective Eccleſias Parochiales, ſeu Capellas, ſint diligenter attenden', obtemperan.' & aſſiſten', ſub Pœna Juris eis, ſi in hac parte negligentes aut contumaces fuerint, per nos aut Vicarium noſtrum in Spiritualibus generalem infligendâ. De omnibus vero & ſingulis per vos in hac parte habitis, actis geſtiſque, Ruiniſque, Dilapidationibus & Defectis in Eccleſiis ſive Capellis infra Decanatum prædict', nos, vel Vicarium noſtrum in Spiritualibus generalem, in quâdam Schedulâ per vos faciend', præſentibus annectend', dicto Die vel citra, debite certificetis unà cum præſentibus. Dat.' Sigillo noſtro, decimo ſeptimo Die Decembris, Anno Domini 1686.

— and to make their Return to him, or his Vicar General.

1686.

XIX. *Inſtructions for the Deans Rural.*

To inform, — of irregular Clergymen,

Newton, Vic. Gen. f. 52. b.

I. THE Rural Dean ought diligently to enquire, and give true Information unto the Right Rev. Father in God, the Lord Biſhop of London, or his Chancellor, of the Names of all ſuch Perſons, Clergy or Lay, whithin his Precincts, as ſhall be openly or publickly noted and defamed, or vehemently ſuſpected of any Crime or Offence, as is to be puniſhed or reformed by Authority of the Eccleſiaſtical Court.

— of Clergymen, dying,

II. He is likewiſe to make a Return to the ſaid Biſhop of London, or his Chancellor, into the Regiſtry of the Conſiſtory Court, of all the Clergy who dye within his Deanry, and who intermeddle with the Goods of the Deceaſed without Probat of the Deceaſed's Will, or without Adminiſtration of his Goods granted by the ordinary of the Dioceſe, and likewiſe of Wills unproved by other Perſons, eſpecially ſuch wherein any Legacy is reported to be left to charitable Uſes.

III. He

III. He is likewiſe, as Occaſion ſhall require, to inſpect the Churches, Chancells, and Chapels, and the Houſes belonging to the Parſons and Vicars within his Diſtrict, and to give Information of their Decays and Dilapidations to the Ordinary.

— and to inſpect Churches, Houſes, &c.

IV. He is likewiſe to call the Clergy together when the Ordinary ſhall appoint, and take care of diſperſing ſuch Orders as ſhall be tranſmitted to him, and to make Returns accordingly.

— and diſperſe the Biſhop's orders,

V. He is likewiſe to take Care that Perſons preſented to the Biſhop to be confirmed by him ſhould be fit and duly qualified for the Biſhop's Confirmation, by a ſtrict Examination of them, and cauſing them ſolemnly to renew the Vow which was made in their Names at their Baptiſm.

— and examin Perſons to be Confirmed.

XX. *Articles and Directions, in order to a Parochial Viſitation.*

To the INCUMBENTS, *and* CHURCH-WARDENS, *within the Archdeaconry of SURRY,*

Parochial Viſitations, pag. 36.

INtending, with God's Leave, to viſit my Archdeaconry in a Parochial Way, I thought it convenient to tranſmit to you the following Articles and Directions, ſome time before; that you may ſee at one View, what it is the Laws require both of You and Me, and in what State and Condition the ſeveral Churches, Chapels, and Manſions ought to be found.

It is not eaſie, nor will it be material, to determine preciſely, in what Order, and at what Times, the particular Pariſhes ſhall be viſited; which muſt be done by degrees, and will depend upon Health and other Accidents. It is ſufficient, that Notice of the Day and Hour ſhall be given to each Pariſh, by a Citation in form; and if that Notice happens to be ſhort, there will be no room to complain of Surprize, after this General Intimation; which, it is to be hoped, will prove the means of finding ſome Things in Order, that at preſent may be amiſs. I am

Your affectionate Brother and Servant,

Lambeth,
July 1. 1711.

Edm. Gibſon.

Of Parochial Viſitations, and the Right and Duty of Archdeacons to make them.

I. NEXT to the performing of Divine Service in ſuch due and ſolemn Manner as the Rubricks and Canons of our Church direct, nothing is more neceſſary to maintain the Honour of God's Publick Worſhip, than that the Church, and all things belonging to it, be preſerved in a decent, regular and orderly State. Concerning which, as a Matter of great Conſequence to Religion, the Laws of the Church in all Times have been very particular; and, becauſe the Biſhop is ſufficiently employed in directing the Clergy in their Office and Function, and attending the more weighty Affairs of the Church, the ſame Laws have for many Ages charged the Archdeacons, in Subſervience to the Biſhops, with the Care of the Fabrick, Utenſils, and Ornaments of the Houſe of God. *

II. In Conſequence of the Care of the Fabrick, Utenſils, and Ornaments, as aforeſaid; it belongs to the Archdeacon, to ſee that all Gifts and Charities, which have been left or appropriated to the Fabrick of the Church or Chancel, or to the finding of Neceſſaries or Conveniencies of any kind, be faithfully preſerved, and applied to their proper Uſes. †

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* Lib. *Rom. Ord.* among other Branches of the Duty of Archdeacons, mentions *Honorem & Reſtaurationem Eccleſiarum.* Decretal. Tit. 13. de Offic. Archidiac. c 1.

In the ſame Title, it is ſaid, with regard to the Goods and Utenſils of the Church, *Quòd ſi quid ex eis vel negligentiâ vel cujuſdam fraude deperiit, Tu* (ſpeaking to the Archdeacon) *hoc reatu adſtringeris, qui, per Archidiaconatûs Ordinem, cuſtodiæ ejuſdem Eccleſiæ arctiùs deputaris.* Decret. Epiſt. Tit. de Off. Arch. c. 3. Where, the Gloſs upon the Word *Cuſtodiæ*, is, *Ad ipſum etiam pertinent cura & ſolicitudo totius Eccleſiæ*; meaning, not only the Care of the Goods and Utenſils, which had been particularly mentioned; but alſo the Care of the *Fabrick*, and of all things belonging to it.

The Legatin Conſtitution of *Otho* commands Archdeacons to enquire *de Sacris Vaſis & Veſtibus* (Tit. 19. de Archidiaconis.) The Provincial Conſtitution of Archbiſhop *Walter* enjoyns the ſame Archdeacons, *ut diligentem adhibeant conſiderationem ad fabricam Eccleſiæ, & maximè Cancelli, ſi fortè indigeant Reparatione.* (Lyndw. Tit. de Off. Archid. c. Archidiaconi, & infra.) And another, of the ſame Archbiſhop, more expreſly thus; *Provideant Archidiaconi, ut linteamina & alia ornamenta Altaris, ſicut decet, ſint honeſta, & Libros habeat Eccleſia idoneos — & ut honor debitus Divinis Officiis in omnibus impendatur.* Lyndw. Tit. de Off. Archid. c. ſint Eccleſiarum.

† In a Conſtitution of *Stephen Langton*; *Item provideant* [*Archidiaconi*] *de poſſeſſionibus* —— *ne Eccleſia ſuo Jure defraudetur*. (Lyndw. de Off. Archid. c. Ut Archid.) Where *Lyndwood*, tho' he is not ſo clear that the Word *Poſſeſſionibus* means the Tythes, Oblations, &c. is expreſs, as to all Bequeſts for the Support of the Church —— *Emolumenta & Jura, ad Suſtentationem Ornamentorum & Fabricæ Eccleſiæ, ſive Luminarium, ordinata, legata, vel aliàs quoviſmodo præparata vel acquiſita.*

III. The Manſion-houſes of Incumbents, with the other Edifices, being Eccleſiaſtical Fabricks, erected for the immediate Service of the Church, are, and have long been, the Care of the Archdeacon, equally with the Church itſelf. *

* In a Conſtitution of *Othobon*; *Statuimus & præcipimus, ut univerſi Clerici ſuorum Beneficiorum Domos, & cætera ædificia, prout indiguerint, reficere ſtudeant condecenter; ad quod per Epiſcopos ſuos vel Archidiaconos ſolicitè moneantur.* Tit. 17. de Dom. Eccl. refic.

IV. Alſo, Parochial Libraries, erected chiefly for the Uſe and Benefit of Incumbents, are under the Inſpection of the Archdeacon; whoſe Duty it is, to ſee that the Books be carefully preſerved, and all Benefactions towards the Support and Increaſe of ſuch Libraries, duly applied. ‡

‡ In an Act, Entituled, *An Act for the better Preſervation of Parochial Libraries*, it is provided, That it ſhall and may be lawful to and for the proper Ordinary —— or the Archdeacon, or, by his Direction, his Official or Surrogate —— in his or their reſpective Viſitation, to enquire into the State and Condition of the ſaid Libraries, and to amend and redreſs the Grievances and Defects of and concerning the ſame, as to him or them ſhall ſeem meet —— and the ſaid Ordinaries, Archdeacons, or Officials, reſpectively, ſhall have free acceſs to the ſame at ſuch times as they ſhall reſpectively appoint. *Stat.* 7 *Ann. c.*14. §.3.

Every Rector, Vicar, &c. ſhall make or cauſe to be made, a new Catalogue of all Books remaining in, or belonging to ſuch Library, and ſhall ſign the ſaid Catalogue, thereby acknowledging the Cuſtody and Poſſeſſion of the ſaid Books. *Ibid.* §. 4.

A Book ſhall be kept within the ſaid Library for the entring and regiſtring of all ſuch Benefactions, and ſuch Books, as ſhall be given towards the ſame, and therein the Miniſter ſhall enter, or cauſe to be fairly entred, ſuch Benefaction, and an Account of all ſuch Books as ſhall from time to time be given, and by whom given. *Ibid.* §. 8.

Orders and Rules [*made, or to be made, for the good Government of the Library*) ſhall from time to time be entred in the ſaid Book, or ſome other Book to be prepared for that Purpoſe, and kept in the ſaid Library. *Ibid.* §.9.

V. The Method which the Eccleſiaſtical Laws have preſcribed to Archdeacons, for the due Diſcharge of their Office, in the foregoing Particulars, is, Parochial Viſitation; or, the repairing perſonally to the Church of every Pariſh, and to the Manſion-houſe of every Incumbent. ‖

‖ In a Conſtitution of *Otho*; *De Archidiaconis quoque ſtatuimus, ut Eccleſias utiliter & fideliter viſitent.* Tit. 19. De Archidiaconis.

A Conſtitution of Archbiſhop *Walter*, requiring Archdeacons to inſpect the Fabricks of Churches, ſays, That this muſt be done in *Viſitationibus Eccleſiarum faciendis.* Lyndw. Tit. de Offic. Archid. c. Archidiaconi.

The Canons of 1603 expreſly require, That every Archdeacon *ſurvey the Churches of his Juriſdiction once in every three Years, or cauſe the ſame to be done.* Can. 86.

VI. Wherever Defects of any kind are found, the Archdeacon hath Power to enjoin Reparation within a convenient Time, upon pain of Eccleſiaſtical Cenſures; to which he is bound to proceed, in Caſe of Neglect or Diſobedience. **

** *Cujus eſt Viſitare, ipſius eſt comperta corrigere.*

The *Legatin* Conſtitution of *Otho*, after a general Direction to Archdeacons, to inſpect all things, Spiritual and Temporal, belonging to the Church, adds, *Et quæ corrigenda invenerint, corrigant diligenter.* Tit. 17. de Dom. Eccl. refic.

In the Conſtitution of Archbiſhop *Walter*, *Si quos invenerint defectus, certum ſub Pœna præfigant terminum, infra quem emendentur vel ſuppleantur.* Lyndw. Tit. de Off. Archidiac. c. Archidiaconi.

VII. For the future Security of the Goods of all kinds, which any Church is already poſſeſſed of; the Archdeacon is to have a particular Account of them in Writing; that it may appear to him and his Succeſſors, in their ſucceeding Viſitations, whether any of the ſaid Goods, Utenſils, &c. have been loſt, or alienated. ††

†† In a Conſtitution of *Stephen Langton*; *Habeant etiam Archidiaconi* in ſcriptis *redacta omnia ornamenta & utenſilia Eccleſiarum*; *veſtes quoque & libros* —— *ut videant quæ fuerint adjecta per diligentiam perſonarum* [ad quas ſpectat de talibus providere, Lyndw.] *vel quæ tempore intermedio per ipſarum malitiam vel imperitiam deperierunt.* Lyndw. de Off. Archid. c. Ut Archidiaconi. Where *Lyndwood*'s Gloſs upon the Clauſe *In Scriptis*, is this; *Ut hæc Scripta indentata forent, bonum eſſet; ſic ut una pars remaneret penes Archidiaconum, alia penes Parochianos.*

Articles and Directions in Order to a Parochial Viſitation.

AS it ſeemed neceſſary, after a long *Diſuſe* of Parochial Viſitations, to premiſe ſomething concerning the Nature of ſuch Viſitations, and the *Right* and *Duty* of Archdeacons to hold them, to the end the general *Deſign* of them might be ſeen, and the Revival appear to be *Uſeful* and *Legal*; ſo, to render them the more *Regular* and *Effectual*, it is equally neceſſary, that all who are concerned, and eſpecially *Church-wardens*, ſhould be *prepared* for them, by particular Inſtructions upon the following Heads:

I. *The* Matters *to be Inſpected, in a Parochial Viſitation.*

II. *The proper* Methods *of Proceeding in it.*

III. *The Things to be done, in* Conſequence *of it, in order to the effectual Remedy of ſuch Defects as ſhall be found.*

FIRST HEAD.

The Matters *to be Inſpected, in a Parochial Viſitation.*

I. *The* CHURCH *and* CHANCEL.

1. AS to the * *Fabrick.*	*Covering and Roof*; to ſee, that they be good, and ſecured againſt Rain. *Walls* and *Doors*, That they be firm, and the *Walls* well plaiſter'd. *Windows*, That they be well glazed. *Floor*, That it be paved, plain and eaven.
2. † *Furniture.*	*Seats, Pulpit, Reading-Deſk, Font of Stone, Communion-Table, Cheſt with 3 Locks and Keys for the Regiſter-Book and other Papers, Bells and Bell-ropes, Bier for the Burial of the Dead*; That all theſe be firm, convenient, and in good Order.
3. ‡ *Books.*	*Great Bible, Common-Prayer*, and *Homilies*; *Regiſter of Parchment, Book for the Names of ſtrange Preachers, Table of Marriages*; That they be kept well-bound, whole, and fair.
4. ‖ *Veſtments.*	*Surplice, Hood, Carpet for the Communion-Table, Linen-cloth for the Communion-Table, Linen-cloth to cover the Elements, Cuſhion for the Pulpit, Herſe-cloath for Burial of the Dead*; That all theſe be decent and comely, and kept whole and clean.
5. ** *Veſſels.*	*Flagon, Chalice*, and *Paten, for the Communion*; and a *Baſin for the Offertory*; That they be whole and decent.
6. †† *Ornaments.*	The *whole* Church, or Chapel, That it be kept in *orderly* and *decent* ſort, without Duſt, or any thing that may be either nioſom, or unſeemly. *Ten Commandments*, That they be fairly written, and ſet at the Eaſt-end of the Church or Chapel. *Choſen Sentences of Scripture*; That they be fairly written upon the Walls, in Places convenient.

* *Decretal. de Off. Archid. c.*1. *Lyndw. Tit. de Off. Archid. c.* Archidiaconi. *Can.* 85.

† Can. 70, 81, 82, 83.

‡ *Lyndw. Tit. de Off. Archid. c.* ſint Eccleſ. Can. 52, 70, 80, 99.

‖ *Otho, Tit.* 19. de Archid. *Lynd. Tit. de Off. Archid. c.* ſint Eccleſ. Can. 58. 82. Rubr. 13, 14. *Car.* 2.

** *Decretal. de Off. Archid. c.*23. *Otho, Tit.* 19. *de Archid.* Can. 20. *Rubr.* 13, 14. *Car.* 2.

†† *Can.* 82. 85.

II. BENEFACTIONS *towards the Repairs, Utenſils, or Ornaments of the Church.*

Lyndw. Tit. de Off. Archid. c. Ut Archid.

That the *Lands, Moneys*, &c. given to thoſe Uſes, be duely ſecured, preſerved, and applied.

III. *The* CHURCH-YARD.

That it be well and ſufficiently repaired, fenced, and maintained, with Walls, Rails, or Pales, as have been in each Place accuſtomed; that it be alſo kept clean, and decent; and that the *Trees* growing therein, be duly preſerved, and ordered, for the Security of the Church and Church-yard.

Can. 85. *Stat.* 35. *Edw.* 1.

Othob. Tit. 17. *de Dom. Eccl. Ref.*

IV. *The* MANSION-HOUSE *of the Rector, Vicar, or Curate; with the other Houſes, Buildings, and Fences, thereunto belonging.*

That all of them be kept in good and ſufficient Repair; and particularly, that the *Manſion* or *Dwelling-Houſe* (over and above the Repairs which are deemed *Neceſſary)* be kept in ſuch * decent manner, as is ſuitable to the Condition of the ſaid Rector, Vicar, or Curate.

* *Reficere ſtudeant* CONDECENTER. Othob. Tit. 17. De Dom. Eccl. reficiend.

Stat. 7 Ann. c. 14. §. 3, 4, 8, 9.

V. PAROCHIAL LIBRARY *(where any ſuch hath been erected,) with the* Books, *and other* Benefactions, *which have, from time to time, been given to it.*

That the Place be furniſhed with *Shelves*, *Desks*, and other Conveniences, and be alſo kept clean and dry; that the *Books* be preſerved in good Order, and an exact Catalogue of them taken, and ſigned, by the Miniſter; that all *Monies*, *Lands*, *&c.* given for the Increaſe and Maintenance thereof, be duly regiſter'd and applied; and that all other *Rules* and *Orders*, made for the good Government of the ſame, be obſerved.

SECOND HEAD.

The proper Methods *of* Proceeding *in a Parochial Viſitation.*

1. THE Incumbent and Church-wardens to be regularly *Cited*, to receive and undergo the Viſitation of the Archdeacon.

2. The Archdeacon to be attended by his Regiſter and Apparitor: The *Apparitor*, to teſtify the due ſerving of ſuch Citation; the *Regiſter*, to note down the Abſence of any of the Parties concerned, the Defects that ſhall be found, the Decree of the Archdeacon for Reparation of thoſe Defects, and all other things and matters of like nature, which it may be neceſſary or convenient to Regiſter, in the Courſe of the Viſitation.

3. The Incumbent and Church-wardens to be ready in the Church, on the Day, and at the Hour, appointed and ſpecified in the ſaid Citation.

4. The *Books*, *Veſtments*, and *Veſſels*, to be all produced by the Church-wardens, and placed in the Veſtry, or in ſome convenient part of the Church or Chancel, againſt the Hour appointed in the Citation; in order to be ſeverally viewed, and examined.

5. A particular *Account* or *Repertory* of the ſaid Books, Veſtments, and Veſſels, and of the ſeveral Benefactions towards Repairs, Utenſils, and Ornaments, as aboveſaid, to be ready prepared in writing, under the Hands of the Incumbent and Church-wardens, and to be exhibited to the Archdeacon at the Time of his Viſitation.

6. The ſaid *Account* or *Repertory* (being firſt found true and exact, upon a view of the ſeveral Particulars) to be ſigned by the Regiſter; and a Copy thereof (in like manner ſigned and atteſted) to be by him delivered to the Church-wardens, within two Months next enſuing, in order to be depoſited in the publick Cheſt of the Pariſh.

7. The Incumbent and Church-wardens to accompany the Archdeacon from the *Church* to the *Manſion-houſe* belonging to the ſaid Incumbent; and that, together with the other Buildings, and the Fences, to be in like manner particularly viewed and inſpected.

8. The *Parochial Library* (where there is any ſuch) to be next inſpected by the Archdeacon, accompanied as aforeſaid; unleſs it ſhall be in the Church, or Manſion-houſe; and, in ſuch Caſe, to be viſited together with them.

THIRD HEAD.

The Things to be done in Conſequence *of ſuch Parochial Viſitation, and in order to the effectual* Remedy *of the Defects which ſhall be found.*

1. THE Incumbent or Church-wardens (as reſpectively concerned, and obliged) to be *Admoniſhed* to repair the Defects, whithin ſuch time as ſhall then and there be aſſigned by the Archdeacon.

2. The ſaid Incumbent and Church-wardens to *certify* under their own Hands, and the Hands of two or more ſubſtantial Pariſhioners, at the next *General Viſitation* of the Archdeacon, or within ſuch other time as he ſhall judge fit and reaſonable, that the Defects are accordingly repaired.

3. The Certificate ſo made, to be *Entred* in the Acts of the Archdeacon's Viſitation, with reference to the former Entry of the Defect or Defects.

4. In caſe ſuch Certificate is not returned at the Time appointed, then the Incumbent or Church-wardens (as reſpectively concerned) to be proceeded againſt by *Eccleſiaſtical Cenſures*, and *Penalties*, until the Defects ſhall be repaired, and a Certificate thereof returned, in the Form and Manner before directed.

SECT. XVI.

EXEMPTION.

Pag. 56, a, 5th.

I. *Abſolutio Religioſorum ab Excommunicatione in eos denunciatâ, pro eo quod Viſitatorem non receperunt.*

The Religious of St. *Thomas de Acon.*' in *London*, having been Excommunicated for not receiving the Archbiſhop to viſit them, —are abſolved, —upon their Submiſſion.

UNIVERSIS præſentes Literas inſpecturis, Willielmus de Corneriâ Domini Papæ Capellanus, & Rogerus de Bothewelle, Decanus B. Mariæ de Arcubus London.' Commiſſarii Reverendi Patris Domini * J. Dei Gratiâ Cant.' Archiepiſcopi, totius Angliæ Primatis, ad infrà ſcripta ſpecialiter conſtituti, Salutem in Domino ſempiternam. Noveritis Nos, Auctoritate Domini Archiepiſcopi antedicti, Religioſos Viros, Magiſtrum & Fratres S. Thomæ de Acon in London.' tam ab Excommunicationis Sententiâ vel Sententiis, latâ ſeu latis in ipſos per ipſum Dominum Archiepiſcopum, vel quoſcunque Commiſſarios ſuos, pro eo quòd ipſum Dominum Archiepiſcopum primò, & Commiſſarios ſuos poſtmodum, ad Viſitationis Officium exercend.' inibi recipere noluerunt, quàm à Sententiâ vel Sententiis Canonicis, quam vel quas ob dictam cauſam qualitercunque aliàs incurrerunt, juxta formam Eccleſiæ, tenore præſentium abſolviſſe, ac Interdictum quo ipſorum Eccleſia poſita erat per ipſum Dominum Archiepiſcopum, vel Commiſſarios ſuos, ob dictam cauſam in die Veneris prox.' ante Dominicam de Adventu in antea relaxâſſe; Reducentes eos in ipſum ſtatum, in quo erant tempore quo fuerunt dictis Excommunicationis Sententiis innodati: Pro eo quòd redientes ad cor ipſi Magiſtri & Fratres, de ſtando mandatis Eccleſiæ ac ipſius Domini Archiepiſcopi, corporale Juramentum ſolempniter præſtiterunt; Pœnitentiâ eis pro exceſſibus hujuſmodi imponendâ, ipſi Domino Archiepiſcopo reſervatâ. Dat.' London.' in Feſto B. Andreæ Apoſtoli, Ann. Dom. 1279. Indictione 7. 1279.

* Peccham, Regiſtr. f.56. a.

Laud. f. 85, b.

II. *Commiſſio Regis Archiepiſcopo ad Viſitandum Loca Exempta.*

Recites, — That the Archbiſhop intended to hold a Metropolitical Viſitation,

CAROLUS Dei Gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ Rex, Fidei Defenſor &c. Reverendiſſimo in Chriſto Patri, Willielmo Providentia Divinâ Archiepiſcopo Cantuarienſi, totius Angliæ Primati & Metropolitano, Johanni eadem Providentiâ Roffen.' Epiſcopo, Nathanieli Brent Militi Legum Doctori, Vicario ejuſdem Archiepiſcopi in Spiritualibus Generali, Thomæ Reeves Legum etiam Doctori, advocato noſtro, Iſaaco Bargrave Sacræ Theologiæ Profeſſori, Decano Eccleſiæ Cathedralis Metropoliticæ Chriſti Cantuarienſis, Johanni Warner & Thomæ Jackſon, Sacræ Theologiæ etiam reſpectivè Profeſſoribus, Richardo Clarke Sacræ Theologiæ Profeſſori, Arthuro Ducke & Roberto Aylett Legum reſpectivè Doctoribus, Salutem. Cùm vos prædictus Archiepiſcopus, ex Solicitudine Paſtorali Gregis Dominici vobis commiſſi, tam Civitatem Dioc.' & Eccleſiam veſtram Cantuarienſem, cæteraſque Dioc.' & Eccleſias, tam Cathedrales quam Collegiat.' & Parochiales, Hoſpitalia item, & Scholas publicas ſeu liberas, aliaque Loca Eccleſiaſtica, infra Provinciam veſtram Cantuarienſem conſtituta, tam in Capite quam in Membris, Clerumque & Populum reſidentem in eiſdem Dioc.' & Provinciâ, Jure veſtro Metropolitico propediem viſitare, & Negotiis præpediti, Munus illud prædicto Epiſcopo, Nathanieli, Thomæ, Iſaaco, Johanni, Thomæ, Richardo, Arthuro & Roberto (inter alios) conjunctim & diviſim committend.' propoſuiſtis, ac tam infra Dioc.' quam alibi

— and that there are in the Province ſeveral Churches, Hoſpitals, and Schools, of *Royal* Foundation.

The King's Commiſſion to the Archbiſhop to viſit all ſuch Foundations, and to correct, &c.

— and inſpect and reviſe their Charters, Statutes, &c,

— notwithſtanding their Exemption.

infra Provinciam veſtram Cantuarienſem, diverſæ Eccleſiæ Cathedrales, cum Epiſcopis, Decanis, Capitulis, cæteriſque Miniſtris & Officiariis in eiſdem, ac Decani & Capitulum de Præbendariis, aliiſque Miniſtris & Officiariis in diverſis Eccleſiis, nuper, citra Annum Regni Domini Henrici, nuper Regis Angliæ octavi viceſimum ſextum, ac tam citra Annum illum quam antea, nonnulla Hoſpitalia & Domus ad Pauperum Suſtentationem, ac Scholæ quædam publicæ & liberæ, per anteceſſores noſtros fundata, erecta, & ſtabilita extiterunt & exiſtunt; & æquum eſt, ut qui unitatem religionis amplexi ſunt, eâdem diſciplinâ ad cultum divinum externum & morum probitatem dirigantur: Nos, authoritatem noſtram Regiam, ad Fidem Chriſtianam verè Catholicam, unde ſumus Defenſores, & morum probitatem conſervand', nobis à Deo optimo maximo commiſſam agnoſcentes, utque (amputatis malorum vepribus) ſincera Religio Canonica, rectè vivendi forma, tam in Eccleſiis & Locis antedictis, quam in cæteris Eccleſiis, ac in Locis univerſis Provinciæ veſtræ floreſcat & augeatur, cupientes; ad viſitand.' igitur tam in Capite quam in Membris, tam Eccleſias Cathedrales & Collegiatas prædict', ac præfata Hoſpitalia, Domus, Scholas, & ſingula Loca Eccleſiaſtica infra Dioc.' & Provinciam prædict', de fundatione vel Patronatu noſtri vel Progenitorum noſtrorum (tam exempta & immediatè nobis ſubjecta, quàm non exempta) quam Epiſcopos, Decanos, & Capitulum, Præbendarios, Officiarios, & Miniſtros, alioſque degentes vel miniſtrantes in eiſdem (Eccleſiâ Collegiatâ Beati Petri Weſtm.' & Decano, Capitulo, & Miniſtris in eâdem except.') ac de Statu Eccleſiarum, Hoſpitalium, Domorum, & Scholarum illarum, ac eorundem Epiſcoporum, Decanorum, & Capitulorum, & Canonicorum, Præbendariorum, Miniſtrorum & Officiariorum, & aliorum quorumcunque in eiſdem degentium vel miniſtrantium, modis omnibus quibus melius & efficatius poteritis inquirend', & inveſtigand', ac delinquentes, irregularitatis macula irretit.' vel Officia ſeu Miniſteria ſua negligentes, aliterve culpabiles, pœnis pro ratione & modo criminum, exceſſuum, negligentiarum & delictorum ſuorum condignis, uſque ad dignitat.' officiorum & Miniſteriorum reſpectivè Privationem & Amotionem incluſivè, ad ſtipend.' & Emolumentorum ſuorum, ſicut in dividentiis, excreſcen', Communiis, annonâ, cæteriſque proventibus ſuis Eccleſiaſticis indies provenien.' Sequeſtrationem, vel quamcunque aliam congruam & competentem Coertionem puniend.' & corrigend': ad probatiores vivendi mores, & Canonicum magis Officiorum ſuorum miniſter', modis ommnibus quibus poteritis reducend': Contumaces item & rebelles, ſi quos inveneritis, cujuſcunque fuerint Statûs vel Conditionis, tam per Cenſuras Eccleſiaſticas, & alia Juris Remedia compeſcend': alioſque Juriſdictionem Eccleſiaſticam, durante Viſitatione veſtrâ, in Eccleſiis & Locis prædictis exercere inhibend', prout inhibemus per præſentes. Inſuper Cartas Regias, indulta, Privilegia, Immunitates, Libros, Statuta, (ſi quæ ſint) Regiſtra, Computa, & alia ſcripta ſeu munimenta quæcunque dictarum Eccleſiarum, Hoſpitalium, Domorum, Scholarum, Epiſcoporum, Decanorum, Capitulorum, Canonicorum, Præbendariorum, Miniſtrorum, Officiariorum prædict', fundationem, incorporationem, dotationem, negotia vel Stat.' quoquomodo tangen.' ſive concernen.' petend', exigend', vobiſque proferri & exhiberi mandand', & faciend.' ea recipiend', & diligenter examinand.' Necnon Injunctiones & Statuta quæ vobis, pro commodiori ordine & gubernatione Eccleſiarum, Hoſpitalium, Domorum, Scholarum, Decanorum, Capitulorum, Canonicorum, Præbendariorum, Miniſtrorum & Officiariorum prædict.' videbuntur idonea, tam durante viſitatione prædictâ, quàm poſtea condere & edere, iiſque nobis propoſitis, & per nos Stabilitis, ea Decanis, Capitulis, Canonicis, Præbendariis, Miniſtris, Officiariis, atque aliis quibuſcunque in eiſdem Eccleſiis, Hoſpitalibus, Domibus, Scholis & Locis commorantibus vel miniſtrantibus, per ipſos & eorùm Succeſſores obſervanda nomine noſtro tradend', & authoritate noſtra eis indicend.' & injungend', in eorum violatores pœnas infligend', decernend', & ordinationes & conſuetudines (ſi quas inveneritis eiſdem inidoneas) tollend.' & penitus abolend', & omnia alia, quæ circa præmiſſa requiſita aut neceſſaria fuerint vel opportuna, faciend.' & exequend.' Vobis, de quorum ſincerâ Religione & Doctrinâ ac morum probitate, & rebus gerendis providâ circumſpectione & induſtriâ, plenius in hac parte confidimus, ex certa Scientia & mero motu noſtris, ac ſupremâ Authoritate noſtrâ regiâ vices & Authoritatem noſtras, omni appellatione remotâ, conjunctim, & cuilibet & quibuſlibet veſtrûm ſeperatim vel diviſim committendo, plenam tenore præſentium damus & committimus poteſtatem; voſque, ac ſingulos veſtrûm, & quoſlibet veſtrûm, ſeperatim vel diviſim, Delegatos & Commiſſarios noſtros ad præmiſſa omnia & ſingula exequend.' nominamus, ordinamus, & deputamus per præſentes; eatenus duratur.' donec eiſdem ſuperſedend.' fore decreverimus, etiamſi hujuſmodi ſint quæ ſpecialia magis & expreſſa verba requirunt: Ac licet Eccleſiæ, Hoſpitalia, Domus, Scholæ, Epiſcopi, Decani, Capitula, Canonici, Præbendarii, cæterique Miniſtri & Officiarii, aut alii in eiſdem Eccleſiis ſive Locis ſint de Patronatu noſtro, vel de Fundatione noſtrâ, vel Progenitorum noſtrorum, & ſint exempta, vel nobis immediatè ſubdita, vel non exempta, cum authoritate procedendi in præmiſſis ſummarie & de plano & ſine Strepitu & Figura Judicii, ſolùm rei veritate inſpectâ, æquitate attentâ, ac cum cujuſlibet legitimæ Coertionis poteſtate. Mandantes omnibus & ſingulis Epiſcopis, Decanis, Archidiaconis, Canonicis, Præbendariis, Miniſtris & Officiariis in Eccleſiis &

Locis prædictis, ac aliis in eiſdem degentibus, vel miniſterium exercentibus, necnon omnibus & ſingulis Vicecomitibus, Cuſtodibus Pacis, Conſtabulariis, Ballivis, Præpoſitis, necnon Rectoribus Eccleſiarum, Vicar', Hoſpitalium & Scholarum præfectis, ac Clero & Populo per totam Dioc.' & Provinciam Cantuarienſem conſtitutis, quòd vobis, & quibuſlibet & cuilibet veſtrûm, in præmiſſis ſint intendentes, auxiliantes, & obtemperantes in omnibus, prout decet. Nolumus tamen quòd vos prædicti Epiſcopus, Nathaniel, Thomas, Iſaacus, Johannes, Thomas, Richardus, Arthurus, vel Robertus, vel veſtrûm aliqui, in Legibus & Statutis prælibatis condendis vel edendis, ſtatuatis vel aliquis veſtrûm ſtatuat, vobis præfato Archiepiſcopo in conſultis. In cujus Rei Teſtimonium has Literas noſtras fieri fecimus patentes. Teſte me ipſo apud Weſtmonaſterium, triceſimo primo die Martii, Anno Regni noſtri decimo.

III. *Exemptio Parochiæ ab Archidiaconali Juriſdictione.*

† Reynolds; Regiſtr. f.128, a.

The Rector of a Pariſh empower'd to exerciſe Archidiaconal Juriſdiction in his own Pariſh.

† WALTERUS &c. Dilecto Filio Ricardo de Cant.' Rectori Eccleſiæ de Munketon in Thaneto, Salutem, Gratiam & Benedictionem: Ad exercendum Spiritualem Juriſdictionem inter ſubditos Parochiæ tuæ prædictæ, inquirendo, corrigendo ac puniendo, & cætera faciendo, quæ ad Archidiaconalem Juriſdictionem pertinere noſcuntur infra Parochiam tuam prædictam, & cum poteſtate ſuſpendendi, ac excommunicandi ſi opus fuerit; Tibi tenore præſentium plenam in Domino committimus poteſtatem, donec eam duxerimus revocandam. In cujus rei Teſtimonium, &c. Dat.' Cantuar.' Non.' Januarii, anno Domini milleſimo treceнteſimo vigeſimo primo.

1321.

SECT. XVII.

ECCLESIASTICAL JUDGES.

Pag. 980, &c.

I. *Commiſſio Officialis pro Auditione Cauſarum, & aliis Negotiis.*

* Braybrook; Regiſtr. f.349. b.

The Biſhop Conſtitutes an Official for the hearing of Cauſes,

—and the puniſhment of ſuch Crimes and exceſſes, as belong to the Eccleſiaſtical Court;

—with Probate of Wills and Adminiſtrations,

—and Sequeſtration of Profits, and receiving Appeals.

*ROBERTUS, Permiſſione Divinâ Londonienſis Epiſcopus, Dilecto in Chriſto Filio, Magiſtro Willielmo Stynecle in Legibus Baccalario, Canonico Eccleſiæ noſtræ Londonien.' ac Cur.' Cantuar.' Advocato, Salutem, Gratiam, & Benedictionem. Cuncta nobis Commiſſa nequeuntes perſonaliter exercere, ac de tuis Circumſpectione, Fidelitate, & Induſtriâ, plurimùm in Domino confidentes; Te in Officialem noſtrum Principalem præficimus per præſentes; & ad cognoſcendum & procedendum in omnibus & ſingulis Cauſis & Negotiis, in Conſiſtoriis noſtris quibuſcumque motis vel movends, devolutis ſeu devolvendis, ac eas ſeu ea audiendum, diſcutiendum & fine debito terminandum; necnon ad corrigendum & puniendum ac debitè reformandum Crimina & Exceſſus quorumcumque ſubditorum noſtrorum, tam Clericorum quàm Laicorum, noſtrarum Civitatis & Diœceſeos ad forum Eccleſiaſticum ſpectantium; & pro hujuſmodi criminibus & Exceſſibus pœnas Canonicas infligendum, & ad probandum, approbandum, & inſinuandum Teſtamenta & ultimas voluntates defunctorum, committendumque Adminiſtrationem Bonorum hujuſmodi defunctorum & aliorum ab Inteſtato Decedentium, de dictis Civitate & Diœceſi noſtrâ exiſtentium, illis quibus de jure ſeu conſuetudine fuerit committendum, & ad ſequeſtrandum Fructus & proventus, ac cætera Bona ſubditorum noſtrorum, in caſibus à jure permiſſis, necnon Inhibendum & reſcribendum in omnibus Cauſis, in quibus ad Nos fuerit appellandum ſeu querelandum, ac hujuſmodi Cauſas pertractandum & terminandum, omniáque alia & ſingula faciendum & exercendum, quæ in præmiſſis & circa ea & quodlibet præmiſſorum neceſſaria fuerint vel etiam opportuna, & quæ ad Juriſdictionem noſtram Spiritualem poterunt & dinoſcuntur pertinere quomodolibet, etſi mandatum exigant ſpeciale, Tibi, tenore præſentium, Committimus vices noſtras

noſtras cum cujuſlibet coërcionis Canonicæ, ac exequendi quæ in hac parte decreveris, poteſtate. In cujus rei teſtimonium, Sigillum noſtrum præſentibus duximus apponendum. Dat.' in Palatio noſtro London.' die quarta menſis Novembris, anno Domini milleſimo, quadringenteſimo primo, & noſtræ Conſecrationis anno viceſimo. 1401.

II. *Commiſſio Epiſcopi ad audiendas Cauſas in Conſiſtorio, in abſentiâ Officialis.*

Pag. 980, &c.

The Biſhop appoints a Deputy,

—in the abſence of the Official.

* Orleton, Ep. Wint. Regiſtr. f. 1.

* ADAM &c. Magiſtro Hugoni Perſonæ, Rectori Eccleſiæ de Jchene, noſtræ Diœceſeos, Salutem, Gratiam, & Benedictionem. De veſtrâ Circumſpectione & Induſtriâ fiduciam optinentes, ad audiendum & fine debito terminandum, Cauſas & Negotia in Conſiſtoriis noſtris mota & movenda; necnon ad Inquirendum, Corrigendum, & Puniendum Subditorum noſtrorum Exceſſus, cum Poteſtate Reſcribendi ad Appellationes & Querelas, in noſtri Officialis abſentiâ, Vobis vices noſtras Committimus, cum Coërcionis Canonicæ poteſtate, donec eas ad Nos duxerimus revocand.' Dat.' Winton.' quinto die Aprilis, anno Domini † ſupradicto. † 1324.

III. *Commiſſio Cancellario ad audiendum Cauſas.*

A perſon, who was *Chancellor* to the Biſhop, ſpecially appointed to *hear Cauſes.*

Iſlip; fol. 17.

SIMON, &c. Dilecto Filio Magiſtro Johanni de Carleton, Canonico London', Legum Doctori, Cancellario noſtro, Salutem, Gratiam & Benedictionem.

De veſtris Fidelitate & Diſcretione plurimum confidentes, ad cognoſcend.' & procedend.' in quibuſcumque cauſis & negotiis ad noſtram cognitionem qualitercumque ſpectantibus, per quamcunque Viam Juris legitimam, hujuſmodique cauſas & negotia fine debito terminand', & quod decreveritis exequend', Criminaque & Defectus quorumcumque Subditorum noſtrorum, quorum correctio & punitio ad nos qualitercumque de jure vel conſuetudine pertinere noſcuntur, etſi ad Deſtitutionem alicujus, vel admiſſionem ſeu inſtitutionem, agi contingat, omniaque alia & ſingula quæ ſunt juriſdictionis & communis juſtitiæ faciend.' & exercend', vobis tenore præſentium vices noſtras committimus, cum cujuſlibet cohertionis canonicæ poteſtate.

In cujus rei Teſtimonium, Sigillum noſtrum fecimus hiis apponi.

Datum apud Maghfeld 5to Kalend.' Junii, Anno Domini M^{o} CCC^{o} quinquageſimo, Et Conſecrationis noſtræ primo. 1350.

IV. *Commiſſio pro Examinatione Cauſarum in Curiâ Cant.'*

Two Exaniners of Witneſſes appointed,

—by the Archbiſhop, and his Official.

Iſlip, fol. 9. b.

SIMON Permiſſione divinâ Electus Cantuarienſis Eccleſiæ conſecratus, diſcretis Viris Magiſtris Thomæ Michel, Juris civilis Profeſſori, & Johanni de Belgrave Juris perito, Salutem in Chriſto. De veſtris Fidelitate & Induſtria confidentes, ad examinandum Teſtes quoſcumque in noſtra Curia Cantuar', ex quâvis cauſâ productos ac etiam producendos, vobis conjunctim, & cuilibet veſtrûm diviſim, tenore præſentium plenam committimus poteſtatem; Voſque conjunctim & diviſim Examinatores Curiæ præficimus antedict': Volentes ut hujuſmodi officium examinator.' exerceatis fideliter, juxta hanc noſtram Commiſſionem; & aliam, per noſtrum official.' dictæ noſtræ Curiæ vobis ad exercitium dicti officii faciend', prout Statuta ejuſdem Curiæ, per bonæ memoriæ Johannem nuper Cantuar.' Archiepiſcopum, prædeceſſorem noſtrum edita, exigunt & requirunt.

Dat.' apud Lamheth, ſub Sigillo quo utimur in præſenti, 15 Kalend.' Februarii, Anno Domini milleſimo CCC^{mo} xlix, Et Conſecrationis noſtræ primo. 1349.

V. *Revocatio Commiſſionis Officialis.*

Pag. 980, &c.

The Archbiſhop having granted a Commiſſion to an Official, during pleaſure,

Regiſt. 2. Park. f. 75, b.

TERTIO Die Maii, Anno Domini Milleſimo quingenteſimo ſeptuageſimo tertio, in Manerio de Lambeth, in Præſentiâ mei Johannis Incent Notarii Publici, Regiſtrarii &c. Reverendiſſimus in Chriſto Pater & Dominus, Dominus Matthæus, permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas et Metropolitanus, ex certis cauſis ejus Reverentiam ſpecialiter moventibus, Literas quaſdam Commiſſionales Officialitatis Curiæ Cantuarienſis de Arcubus London.' per eundem Reverendiſſimum Patrem Venerabili viro Magiſtro Thomæ Yale, Legum Doctori, durante ipſius Reverendiſſimi

diſſimi Patris beneplacito tantummodò factas, & gerentes dat.' quinto die menſis Octobris, Anno Domini milleſimo quingenteſimo ſexageſimo ſeptimo, ad omnem juris effectum expreſſè revocavit, ac pro revocatis habere voluit & decrevit, ejúſque beneplacitum ulterius non durare declaravit & ſignificavit. 1573.

Revokes it.

VI. *Commiſſio Vicarii in Spiritualibus Generalis, durante beneplacito Epiſcopi.*

Grind. Lond. f. 2. a.

A Specification of the Powers,

EDMUNDUS Permiſſione Divinâ London.' Epiſcopus, Dilecto nobis in Chriſto Thomæ Huicke, Legum Doctori, Salutem, Gratiam & Benedictionem. Ad cognoſcendum & procedendum in omnibus cauſis, litibus & negotiis, ad Forum Eccleſiaſticum ſpectan.' & pertinen', coram te infra Dioc.' & Juriſdictionem noſtras London.' motis ſeu movendis, necnon aliis quibuſcunque ad te, per viam querelæ ſeu appellationis, tam ad inſtantiam quam promotionem partium, quod ex officio mero mixto vel promot.' devolvendis & deducendis, eaſdemque Cauſas Lites & Negotia, cum ſuis inciden', emergen', dependen', annexis & connexis quibuſcunque audiendum, expediendum, diſcutiendum, decidendum, terminandum & finiendum, necnon de & ſuper quibuſcunque criminibus, exceſſibus & delictis ad forum Eccleſiaſticum ſpectan', infra dictam Diœceſin & Juriſdictionem noſtras London.' commiſſis & perpetratis, tam ex Officio mero mixto quam promoto inquirendum, & inquiri faciendum, & quoſcunque Delinquentes ſive Criminoſos per Cenſuras Eccleſiaſticas, ac alia legitima Juris Eccleſiaſtica Remedia, debitè corrigendum, reformandum & puniendum; quoſcunque inſuper præſentatos ad Beneficia Eccleſiaſtica quæcunque infra Diœceſin & Juriſdictionem noſtras London.' prædict.' exiſten.' & conſtitut', ſi ad curam beneficiis hujuſmodi imunem ſuſtinend.' habiles reperti fuerint & idonei, admittendum, atque in & de eiſdem inſtituendum, inveſtiendum & inducendum, ac induci mandandum, &, ſi res ita exigat, eos deſtituendum, & ab eiſdem beneficiis ſuis juxta Juris Exigentiam privandum & amovendum: Teſtamenta quoque, & ultimas voluntates quorumcunque Defunctorum infra Diœceſim & Juriſdictionem noſtras London.' approbandum & inſinuandum, & Adminiſtrationes bonorum eorundem, & quorumcunque aliorum earundem Diœceſ.' & Juriſdict.' noſtr.' ab inteſtat', ſeu per viam inteſtat', decedendum, committendum, atque bona decedentium hujuſmodi, in caſibus à Jure permiſſis ſequeſtrandum, Computumque Calculum ſive Ratiocinium petendum, exigendum, capiendum, audiendum, examinandum ac allocandum, & ſi opus fuerit de allocandum & rejiciendum, atque alia quæcunque in ea parte neceſſaria & requiſita faciendum & expediendum, & Apparitores quoſcunque præterquam generales, prout opus fuerit præficiendum & ordinandum, cæteraque omnia alia & ſingula in præmiſſis, ſeu aliquo eorum, aut circa ea neceſſaria ſeu quomodolibet opportuna faciendum, exequendum, exercendum & expediendum; Tibi, de expreſſè refutando & renunciando omnem & omnimodam authoritatem, Superioritatem ſive Poteſtatem forinſecas, juxta Statuta & Leges hujus inclyti Regni Angliæ in ea parte edita & proviſa, fidelitèr agnoſcendo, ad ſancta Dei Evangelia primitus jurat', de cujus etiam Literarum Scientiâ, morum gravitate, conſcientiæ puritate, ac in rebus gerendis ſolerciæ & Circumſpectionis induſtriâ, ſpecialem in Domino fiduciam obtinemus, Vices noſtras tenore præſentium, authoritate quâ fungimur committimus, cum cujuſlibet congruæ Eccleſiaſticæ Coertionis Poteſtate: Teque Vicarium noſtrum in Spiritualibus Generalem, & Officialem Principalem, in & per totam Civitatem & Juriſdictionem noſtras London.' prædict', cum Poteſtate alium vel alios idoneum vel idoneos loco tuo in hac parte quociens & legitimè impediri contiger', deputandi, ſurrogandi, & ſubſtituendi, eoſdemque prout opus fuerit revocandi, ordinamus, præficimus, deputamus & conſtituimus per præſentes, ad noſtrum beneplacitum tantummodo duratur.' Dat.' noſtro ſub Sigillo, in Ædibus noſtris Epiſcopalibus London', viceſimo ſecundo die menſis Decembris, Anno Domini milleſimo quingenteſimo quinquageſimo nono, & noſtræ Conſecrationis Anno primo. 1559.

—and the Grant thereof,

—during pleaſu

Pag. 980, &c.

VII. *Revocatio Cauſæ à Commiſſario per Epiſcopum.*

* Woodlock, Ep. Wint. Regiſtr. f. 160.

† Fuerimus in Diœceſi.

The Biſhop revoking a Cauſe from the Conſiſtory to Himſelf,

—appoints a day for hearing it.

FRATER *H. &c. Magiſtro S. de Dene Commiſſario noſtro Salutem, &c. Quia Cauſam, quæ inter Archidiaconum Surriæ, Rectorem Eccleſiæ de Farnham, Actorem ex parte unâ, & Matildam quæ fuit uxor Willielmi Serich, dictæ Eccleſiæ Parochianam, ſuper quodam Mortuario in Conſiſtorio noſtro Winton.' pendere dignoſcitur indeciſa, certis ex cauſis ad noſtrum Examen duximus revocandam; Vobis mandamus, quatenus præfatis Partibus diem ſecundum Juridicum poſt Feſtum Sanctarum Perpetuæ & Felicitatis aſſignetis, quòd coram Nobis compareant ubicunque † &c. cum toto Proceſſu ſuo, ſecundùm quod Juri fuerit conſonum & æquitati. Et quid, &c. nos dictis die

& loco Certificetis, &c. Dat.' apud Farnham 6 Kal. Martii, ann. Domini milleſimo trecenteſimo decimo, Conſecrationis noſtræ ſexto. 1310.

VIII. *Revocatio Cauſæ per Archiepiſcopum Cantuarienſem, à* Decano de Arcubus *ad ſuam* Audientiam.

Winch. f. 24. a.

RIC. &c. Dilectis Filiis, Officiali noſtro ac Decano Eccleſiæ Beatæ Mariæ de Arcubus London', noſtræ Curiæ Cantuarienſ.' præſidentibus, Salutem &c. Accedens ad noſtram præſentiam Dilectus Filius Hugo de Holbroc noſtræ Dioceſeos, Nobis expoſuit, quòd licet dudùm cum Celeſtria Teppe Dioceſeos ejuſdem legitimè Matrimonium contraxiſſet, & id ſolempnizaſſet in Facie Eccleſiæ, ut eſt moris, & cohabitâſſent ad invicem conjugalitèr ex poſt facto, eadem Celeſtria, prætendens ſe cum Domino Willielmo de Haute Milite, qui notoriè eſt defunctus, prius matrimonium contraxiſſe, coram vobis ab eodem poſtulat ſeperari, & inde metuens ſi quòd dicta mulier ad probandum intentionem ſuam prædictam, eâ Falſitate falſos & corruptos Teſtes ſibi ſubdole procurabit, quâ ad probandum coram vobis, quòd eidem Uxori Venenum malum, ut ipſam interfecerit, miniſtravit, & exceſſivam quantitatem bonorum ejuſdem Hugonis per Teſtes hujus falſe & malitioſe, ut aſſerit, primâ facie comprobavit, à nobis humiliter ſupplicavit, ut dictam Cauſam ad noſtrum Examen, ubi poterit commodè terminari, & ſciri quanta ſit fides Teſtibus adhibenda, revocare ſpecialiter dignaremus; attendentes igitur ipſi Hugoni Gratia obſequia quæ noſtræ Cantuarienſis Eccleſiæ impendebat ſtudioſius & impendit, ac volentes ab hoc ſibi facere Gratiam, quam in alterius injuriam non credimus redundare, prædictam Cauſam ad noſtram Audientiam totaliter revocamus: Vobis mandantes, quatenus totum proceſſum in dicta Curia inter partes eaſdem habitum, ad 11 Diem & Locum ad procedendum coram nobis in ea Cauſa, prædicta eiſdem partibus Authoritate noſtra canonice aſſignetis. Dat.' apud Lyming, iij Non.' Octob', Anno Domini 1320, Conſecrationis noſtræ 15. 1320.

IX. *Literæ increpatoriæ contra Decanum de Arcubus, de citando quendam, infra* immediatam *Juriſdictionem Archiepiſcopi degentem.*

Reynolds; f. 168, b.

The Archbiſhop ſets forth that the Dean of the Arches had Cited a perſon out of his Peculiars,

—which he had no right to do,

—and is therefore directed, not to proceed, but to leave the Cauſe to the Archbiſhop's Commiſſary.

SALUTEM &c. Audivimus non eſt diu quòd mandatum à Curia veſtra de Arcubus, ſub Sigillo Officii veſtri, emanavit Officiali Archidiaconi Ciceſtr', in Decano Winton.' directum, de citando Dominum Richardum Rectorem Eccleſiæ de Slyndon, & Thomam de Haleham, Executores Teſtamenti Domini Roberti Ambroſe, ad inſtantiam cujuſdam Johannis Trioyle; de quo mandato multùm mirati ſumus, & credimus quòd vel per nimiam Occupationem, vel per importunitatem Suggerentium, fuiſtis in ea parte ſubdolè circumventi, ex eo quòd dicta Eccleſia de Slyndon noſtræ immediatæ Juriſdictionis exiſtit, & hoc, ut ſupponimus, Vos non latuit ab antiquo; & inconveniens reputamus, & contra Eccleſiæ noſtræ Libertatem, quòd Officialis aut Decanus foraneus, non Apoſtolicâ Authoritate fulciatus, Juriſdictionem noſtram immediatam ingredi debeat, pro citationibus faciendis: Item ex eo monemus, quod ille Richardus qui dicitur Executor dicti Roberti, non eſt Rector Eccleſiæ de Slyndon, nec fuit ab Anno jam elapſo, ſed in illa Eccleſia præfecimus unum de noſtris Familiaribus nobis codidiè aſſiſtentem: Ne igitur Citatio prædicta, ſeu mandatum citatorium, trahatur impoſterùm in Exemplum, contra Juriſdictionis noſtræ Libertatem, vos hortamur juxta, & etiam vobis mandamus, quatenus virtute citatorii hujuſmodi, contra dictum Dominum Richardum per qualecumque Certificatorium dictorum Officialis & Decani nullatenus procedat; extat enim Decanus de Pagehm', qui in partibus de Slyndon Curam gerit à nobis commiſſam, & nobis deſervit in Citationibus faciendis diucius valeat. Script.' apud Maughfeld, ix Die Julii. 1317. 1317.

X. *Commiſſio Commiſſarii in partibus.*

Pag. 587.

* Braybrook; Regiſtr. f. 322, b.

The Biſhop appoints a Commiſſary for a particular diſtrict,

—to hear Cauſes,

*ROBERTUS, permiſſione Divinâ Londonieſis Epiſcopus, Dilecto in Chriſto filio Magiſtro Roberto Swerſton in Legibus Bacalaureo, Salutem, Gratiam, & Benedictionem. Ad cognoſcendum & procedendum in omnibus & ſingulis Cauſis & Negotiis in noſtris Conſiſtoriis de Storteford & de Chelmeſford motis ſeu movendis, ac eas & ea audiendum, decidendum, & fine debito terminandum; necnon Crimina & Exceſſus quorumcunque noſtrorum ſubditorum tam Clericorum quàm Laicorum noſtræ Diœceſeos

ad

ad forum Eccleſiaſticum ſpectan.' corrigendum & puniendum, & pro hujuſmodi Criminibus & Exceſſibus pœnas Canonicas infligendum; Teſtamenta quoque & ultimas Voluntates quorumvis in dictâ noſtrâ Diœceſi defunctorum probandum, inſinuandum, & publicandum, aliáque per Nos in eâdem Diœceſi ſequeſtranda, ſequeſtrandum; Adminiſtrationem etiam Bonorum hujuſmodi defunctorum & aliorum ab inteſtato decedentium, illis quibus de jure ſeu conſuetudine committenda fuerit, ac hujuſmodi ſequeſtratorum cuſtodias aliis in forma juris committendum; cum eorum omnibus & ſingulis emergentibus, dependentibus & connexis; Tibi, de tuis fidelitate & circumſpectionis Induſtriâ plurimùm in Domino confidentes, tenore præſentium Committimus vices noſtras, cum cujuſlibet coercionis Canonicæ poteſtate, & Te in Commiſſarium noſtrum Generalem in partibus præficimus per præſentes, donec eas ad Nos duxerimus revocandum. In cujus rei teſtimonium, Sigillum noſtrum præſentibus duximus apponendum. Dat.' in Manerio
1391. noſtro de Hadham, die xix menſis Novembris, Anno Domini milleſimo CCC° nonageſimo primo, & noſtræ Conſecrationis Anno Decimo.

— to puniſh Exceſſes,
— to grant Probates, Sequeſtrations, and Adminiſtrations.

XI. *Commiſſio facta de Juriſdictione Spirituali Villæ & Capellarum.*

Reynolds, f. 262, b.

W. &c. Dilecto Filio Thomæ de Keresbrok Clerico noſtro, Salutem, Gratiam & Benedictionem. Te, tuæ Circumſpectionis & Fidei Plenitudine confidentes, Juriſdictionem Spiritualem Villæ de Meydenſton, ac Eccleſiæ ejuſdem, necnon Capellarum ab eadem Eccleſia dependentium, noſtræ Juriſdictionis immediatæ, cum omnibus Appendiciis & Pertinentiis univerſis, tam in Cauſis, quam in Correctionibus & Punitionibus Exceſſuum Parochianorum Villæ & Capellarum prædictarum, & aliorum ibidem Delinquentium, & Contrahentium, cum omnibus aliis Litibus & Querelis eaſdem quovíſmodo tangentibus, ac etiam Exercitium plenum Juriſdictionis hujus, Tibi committimus, per præſentes, noſtro Sigillo ſignatas cum cujuſlibet Canonicæ Cohercionis Poteſtate.
1325. Data at Otteford vi Non.' Julii, Anno Domini milleſimo CCCXXV.

The Archbiſhop grants the Juriſdiction of *Maidſton*, and the Chapels, to a *particular* perſon.

Pag. 986.

XII. *Commiſſio Vicarii Generalis, Epiſcopo extra Diœceſin agente.*

Regiſtr. Reynolds.

W. Permiſſione Divinâ Epiſcopus Norwic.' Dilecto ſibi in Chriſto Domino Richardo de Wyremynne, Rectori Eccleſiæ de Elvelay Ebor.' Diœc.' Salutem, &c. De veſtris Circumſpectione & Induſtria confidentes, Nobis extra noſtram Diœceſin agentibus, Vos noſtrum conſtituimus Vicarium Generalem; Dantes & Committentes vobis ſpecialem poteſtatem Præſentationes ad Beneficia Eccleſiaſtica cum curâ & ſine, Noſtræ Diœc.' prædictæ, noſtro nomine recipiendi, & ſuper Vacationibus eorundem ac Articulis conſuetis Inquirendi, & Inquiri faciendi; perſonáſque idoneas ad eadem admittendi & inſtituendi in eiſdem; Electioneſque, quas in Monaſteriis nobis ſubditis fieri contigerit, examinandi & etiam confirmandi vel infirmandi; necnon quorumcunque Subditorum noſtri Epiſcopatûs Exceſſus & Crimina corrigendi, puniendi, & de eiſdem Inquirendi; Rectores, & quoſcunque alios Beneficiatos in noſtrâ Diœceſi, à ſuis Beneficiis ſeu Adminiſtrationibus quibuſcunque deſtituendi & amovendi; necnon volentibus beneficia ſua legitimè permutare nomine noſtro conſentiendi & authoritatem præſtandi; necnon cum Rectoribus & aliis Beneficiatis, ut literarum ſtudio inſiſtere valeant juxta formam Conſtitutionis *Cum ex eo*, ac etiam ſuper non reſidentiâ, cùm expedire videritis, diſpenſandi, beneficiaque vacantia, quæ ad noſtram pertinent Collationem, cujuſcunque conditionis exiſtant, conferendi; obedientiam Canonicam & obedientiæ Juramentum à venerabili & Religioſo viro Domino Priore Eccleſiæ noſtræ Norwic.' petendi, exigendi, & recipiendi; necnon omnia alia faciendi, quæ in præmiſſis & circa ea neceſſaria fuerint ſeu opportuna. In quorum omnium Teſtimonium, has literas noſtras Patentes Sigilli noſtri munimine fecimus corroborari. Dat.' Pariſ.' vigeſimo die Septembris, anno Domini milleſimo trecen-
1325. teſimo vigeſimo quinto, & Pontificatûs noſtri anno primo.

A Biſhop, being abſent from his Dioceſe, conſtitutes a Vicar-General; with Power,
— to inſtitute,
— to confirm Elections,
— to correct and Puniſh all Exceſſes and Crimes, and to Enquire concerning them,
— to Deprive,
— to conſent to Exchanges,
— to diſpenſe with Reſidence,
— to Collate to Benefices, in the Gift of the Biſhop.

XIII. *Commiſſio Vicarii Generalis per Archiepiſcopum, ſuper Negligentiâ Epiſcopi in remotis agentis, & conſtituere omittentis.*

Archbiſhop recites, the Petition of Bangor-Dioceſe, ſetting forth, that the Biſhop, being in foreign Parts, had appointed no Vicar-General,

Arund. p. 1. f. 134, b.

THOMAS &c. Dilecto in Chriſto Filio Fratri Johanni, Priori Prioratûs de Penmon, Salutem, Gratiam & Benedictionem. Ex querela inſtantia Dilectorum in Chriſto Filiorum, Subditorum Civitatis & Dioceſ.' Bangoren', noſtræ Cant.' Provinciæ ad noſtrum pridem pervenit auditum, quòd Venerabilis Frater noſter Dominus Richardus, Dei Gratia Bangoren.' Epiſcopus, jam agens & moram trahens in remotis, nullum in dictis Civitate & Dioceſ.' dimiſit Vicarium, ſeu alium quemcunque, ſufficientem, aut aliquam Poteſtatem habentem ad exercendum & expediendum quæ Nominatio ad ipſius pertinet Officium paſtorale; unde per ipſius in hac parte negligentiam & incuriam beneficiis vacan.' ibidem, & aliis quampluribus periculis omni die non ſuccurritur; & ex hoc animarum, & locorum, & perſonarum præjudicium & diſpendium multipliciter emminet undequaque; ſuper quibus præfati Subditi nobis humiliter ſupplicârunt, eis in hac Parte de congruo remedio provideri: Nos igitur, ad quem Juriſdictio Spiritualis & Eccleſiaſtica in Civitate & Dioceſ.' Bangoren.' prædict', ex culpa & negligentia ipſius Venerabilis Fratris noſtri in Caſu præmiſſo quotiens & quando occurrit, Jure Legationis noſtræ, & ex prærogativa Eccleſiæ noſtræ Cant.' & conſuetudine laudabili legitimè præſcript', ac à tempore & per tempus cujus contrarii memoria Hominum non exiſtit, pacificè obtent.' & inconcuſſè obſervat.' notoriè pertinere dignoſcitur, Volentes Animarum Saluti eorundem Subditorum & Periculis hujus paternali providen.' ſuccurrere, ut tenemur, Vos, de cujus Fidelitate & Circumſpectionis induſtria in Domino confidimus, Vicarium Generalem & Adminiſtratorem Spiritualium in dictis Civitate & Dioceſ.' Bangoren', quouſque dictus Venerabilis Frater noſter ad eaſdem perſonaliter acceſſerit, vel aliàs pro Cura & Adminiſtratione prædict.' ſalubriter providerit, tenore præſentium deputamus & conſtituimus: Vobis in hac parte poteſtatem plenariam committentes. Proviſo, quòd de Proventibus & Emolumentis Juriſdictionis hujuſmodi, eidem Venerabili Fratri noſtro vel Deputat.' ſufficient.' ab eodem ultra rationabiles & neceſſarias Expenſas pro Exercitio Juriſdictionis prædictæ reſpondeatis debitè cum effectu. Dat.' in Manerio noſtro de Lamhith, 26 die menſis Februarii, Anno Domini 1403, & noſtræ Conſecrationis Anno octavo.

—and the Archbiſhop, to whom, upon ſuch neglect, the Juriſdiction belongs, appoints a Vicar-General,

—who yet is to account to the Biſhop for the *profits* of the Juriſdiction, beyond the reaſonable Expences for the Exerciſe of it.

1403.

XIV. *Commiſſio ad Corrigendum & Puniendum, Domino abſente in Parliamento.*

Pag. 986.

During abſence in Parliament,

* Sudb. Regiſtr. f. 50. b.

*SIMON, permiſſione Divinâ &c. Dilecto Filio Domino Willielmo Savage, Rectori Eccleſiæ S. Michaelis de Herbaldoune prope Cantuar.' Salutem, Gratiam, & Benedictionem: Quia Nos, propter Parliamentum Domini noſtri Regis Angliæ apud Glouceſtriam tenendum, nos à noſtris Civitate & Diœceſi in partibus remotis ad tempus oporteat abſentare; de tuis diſcretione, fidelitate, & induſtriâ confidentes, ad Corrigendum & Puniendum in abſentiâ noſtrâ hujuſmodi quorumcunque Subditorum noſtrorum Crimina, Exceſſus, & Delicta, & omnia & ſingula faciendum & expediendum quæ in præmiſſis requiruntur, tibi tenore præſentium, durante abſentiâ noſtrâ hujuſmodi, Committimus vices noſtras, cum cujuſlibet Cenſuræ Eccleſiaſticæ Poteſtate. Dat.' apud Lambeth Non.' Octobr.' Anno Domini MCCCLXXVIII. & noſtræ Tranſlationis anno quarto.

—the Ordinary's Power of Correction, *&c.* is delegated to another.

1378.

SECT.

SECT. XVIII.

ECCLESIASTICAL OFFICERS.

Pag. 996.

I. *Facultas pro Notario.*

* Tillotſon, in Lib. Fac.

The Archbiſhop, in virtue of the Faculty-Act, conſtitutes a publick Notary,

* JOHANNES, Providentia Divina Cantuar.' Archiepiſcopus, totius Angliæ Primas & Metropolitanus, ad infraſcripta Auctoritate Parliamenti Angliæ legitimè fulcitus, Dilecto Nobis in Chriſto Johanni Cole Literato, Diœc.' London.' nato, Salutem & Gratiam. Cupientes Te, Meritorum tuorum intuitu, congruæ Promotionis titulo decorare, Te Notarium Publicum pariter & Tabellionem, prævio Examine habito, & aliis in hac parte requiſitis, Creamus, ac aliorum Notariorum pariter & Tabellionum numero & conſortio favorabiliter aggregamus; ita quod Tu Officium Notarii & Tabellionis hujuſmodi abhinc ubique Locorum valeas exercere; Decernentes, Inſtrumentis per Te deinceps conficiendis, plenam debere, in Judicio & extrà, fidem adhiberi, * Juramentis infraſcriptis prius per Nos de Te exactis, & à Te juratis. *I, John Cole, do ſincerely promiſe and ſwear*, &c. Tabellionis Officium fideliter exercebo, Contractus, in quibus exigitur Conſenſus Partium, fideliter faciam, nihil addendo vel minuendo ſine voluntate Partium, quod facti Subſtantiam mutet: Si vero in conficiendo aliquo Inſtrumento unius ſolius Partis ſit exigenda Voluntas, hoc ipſum faciam (ſcilicet) ut nihil addam vel diminuam, quod mutet facti Subſtantiam, contra Voluntatem ipſius Partis; Inſtrumenta non conficiam de aliquo Contractu, in quo ſciam intervenire ſeu intercedere vim vel fraudem, Contractus in Protocollum redigam, & poſtquam in Protocollum redegero, malitioſè non differam (contra Voluntatem illius vel illorum, cujus vel quorum eſt Contractus) ſuper eo conficere Publicum Inſtrumentum; (Salvo mihi juſto & conſueto Salario.) Sic me Deus adjuvet, & hæc Sancta Dei Evangelia. Proviſo ſemper, quod hæ Literæ tibi non proficiant, niſi Regiſtrentur & Subſcribantur per Clericum Regiarum Majeſtatum ad Facultates in Cancellar.' Dat.' ſub Sigillo ad Facultates, viceſimo die Menſis Januarii, Anno Domini (ſtylo Angliæ) 1691. Et noſtræ Conſecrationis Anno primo.

* Allegiantiæ & Suprematûs.

—who takes the Oaths of Allegiance and Supremacy, and ſwears to be faithful in his Office.

1691.

II. *Creatio Notarii publici in Procuratorem.*

1634. Die Lunæ, ſecundo (viz.) die menſis Martii, Anno Domini juxta &c. 1634, coram Venerabili Viro Domino Nathaniele Brent Milite & Legum Doctore, Vicario in Spiritualibus Generali, & Reverendiſſimi in Chriſto Patris Domini Gulielmi Cant.' Archiepiſcopi &c, ad quem &c, ad Epiſcopum Glouceſtren', & ratione Viſitationis ſuæ Metropoliticæ infra eandem Dioc.' modò pendentis notoriè dignoſcitur pertinere; In ejus Ædibus intra Parochiam Sancti Botolphi extra Alderſgate London.' &c, in Præſentia mei Sacvile Wade Notarii Publici &c.

Laud. p. 1. f. 153. b.

Negotium Conſtitutionis ſive Creationis Magiſtri Arthuri Jones Notarii Publici in Procuratorem Curiæ Conſiſtorialis Epiſcopalis Glouceſtrien', ac in & per totam Dioc.' Glouceſtriæ. — —

A Perſon nominated to be a Proctor in the Conſiſtory of Glouceſter, by the Archbiſhop in his Metropolitical Viſitation, exhibits his Nomination,

QUIBUS die & loco, comparuit perſonaliter dictus Magiſter Arthurus Jones, & præſentavit eidem Venerabili Viro Domino Nathanieli Brent notulam ſive Schedulam, eidem Venerabili Viro directam, & ſubſcriptam per præfatum Reverendiſſimum in Chriſto Patrem & Dominum, Dominum Gulielmum Cantuarienſem Archiepiſcopum antedictum, pro Admiſſione ipſius Arthuri in Procuratorem Curiæ prædictæ exercentem, & allegavit ſe fuiſſe & eſſe Notarium Publicum, legalem & honeſtum, & diu in Practicâ Juris Civilis & Eccleſiaſtici laboraſſe, hocque fuiſſe & eſſe verum, publicum, notorium manifeſtum pariter & famoſum; ac, juxta tenorem Notulæ ſive Schedulæ prædictæ, humiliter petiit ſe admitti in numerum Procuratorum Generalium exercentium Curiæ Conſiſtorialis Glouceſtrenſis, ac totius Dioc.' Glouceſtren.'

— and takes the Oaths,

prædictæ, Juſque &c. Unde dictus Venerabilis Vir, cum omni humilitate & reverentia Notulam ſive Schedulam prædictam recepit, & decrevit procedendum fore juxta tenorem & effectum ejuſdem; & tunc, præſtito per dictum Jones, flexis genibus, Juramento de agnoſcendo Regiam Supremam poteſtatem &c, ac de Fidelitate & debitâ Obedientiâ eidem Regiæ Majeſtati præſtandâ, juxta formam Statuti &c. dictus Venerabilis Vir Dominus Nathaniel Brent admiſit dictum Magiſtrum Arthurum Jones in numerum Procuratorum exercentium in dicta Curia Conſiſtoriali Glouceſtrenſi, & in aliis locis ejuſdem Diœceſeos Glouceſtrenſis; & ſuper admiſſione ſuâ hujuſmodi decrevit Literas teſtimoniales fieri.

— and is admitted.

III. *Commiſſio Regiſtrarii & Actorum Scribæ in Audientiâ Archiepiſcopi.*

The Archbiſhop appoints a diſtinct Regiſter for his Court of *Audience*,

Warham, f. 370, b.

WILLIELMUS Permiſſione Divinâ Cant.' Archiepiſcopus, totius Angliæ Primas, & Apoſtolicæ Sedis Legatus, Dilecto nobis in Chriſto Magiſtro Johanni Heryng, in utroque Jure Baccalario, & Authoritate Apoſtolicâ Notario Publico, Salutem, Gratiam & Benedictionem. De tuis Fidelitate, Pericia & Circumſpectione plurimùm confidentes, Officium Regiſtrarii, & Actorum Scribæ, Cauſarum & Negotiorum quorumcunque in Audientiâ noſtrâ ventulatorum & ventulandorum, necnon Cuſtodiæ Regiſtrorum, ac omnium & ſingulorum Munimentorum ejuſdem, pro nunc vacans, & ad noſtram Collationem pleno Jure ſpectans, cum omnibus & ſingulis ſuis Juribus, Feodis, Commoditatibus, Proficuis, Emolumentis & Pertinentiis univerſis eidem Officio qualitercunque pertinentibus & ſpectantibus, Tibi, ad noſtrum beneplacitum tantumodò duraturum, damus, concedimus, conferimus, & aſſignamus; Habendum, tenendum, occupandum & exercendum Officium Regiſtrarii, Actorum Scribæ, & Regiſtrorum Cuſtodis hujuſmodi, per Te vel ſufficientem Deputatum, pro quo reſpondere teneberis: Teque, ut præmittitur, Regiſtrarium noſtrum, & Actorum Scribam Cauſarum & Negotiorum Audienciæ noſtræ prædictæ, ac Regiſtrorum & Munimentorum ejuſdem Cuſtodem, ordinamus, præficimus, & deputamus per præſentes, ad noſtrum beneplacitum, ſic ut præmittitur, tantumodò duraturum. In cujus Rei Teſtimonium, Sigillum noſtrum præſentibus eſt appenſum. Dat.' in Manerio noſtro de Otford, 28 Die Menſis Aprilis, Anno Domini 1520, & noſtræ Tranſlationis Anno decimo ſeptimo. 1520.

— during pleaſure.

Pag. 996.

IV. *Commiſſio Regiſtrarii.*

A Regiſter is Conſtituted,

* Stafford; Regiſtr. f. 5. b. 3d.

* JOHANNES, permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Apoſtolicæ Sedis Legatus, Dilecto in Chriſto filio Magiſtro Johanni Gerebert in legibus Baccalario, Salutem, gratiam, & benedictionem. Literarum Scientia, & merita probitatum, cæteráque Virtutum dona quibus te novimus inſignitum, nos inducunt, ut perſonam tuam favore benevolo proſequamur. Hinc eſt, quòd Nos officium Regiſtrarii Curiæ noſtræ Cantuarienſis vacans & ad noſtram ſpectans Collationem, Cuſtodiámque Regiſtrorum dictæ Curiæ noſtræ, tibi damus, concedimus, committimus, & conferimus, per præſentes. Ac te Regiſtrarium Curiæ noſtræ antedictæ principalem, & cuſtodem Regiſtrorum hujuſmodi, & omnium munimentorum aliorum quorumcunque, ad hujuſmodi Regiſtrorum cuſtodiam de Jure & Conſuetudine quoviſmodo pertinen.' deputamus & præficimus per præſentes. In cujus rei teſtimonium, ſigillum noſtrum præſentibus duximus apponendum. Dat.' London.' Viceſimo quinto die Menſis Auguſti, Anno Domini milleſimo quadringenteſimo. 1400.

—with Commiſſion to keep the Records and Muniments of the See.

V. *Commiſſio, ſive Donatio Officii Regiſtrarii & Actorum Scribæ, in partibus.*

The Office of Regiſter in ſeveral parts of the Dioceſe, granted to two perſons,

Bonner, f. 104, a.

OMNIBUS Chriſti Fidelibus ad quos hoc præſens Scriptum pervenerit, Edmundus Permiſſione Divinâ London.' Epiſcopus, Salutem in Domino Sempiternam. Sciatis nos præfatum Edmundum Epiſcopum antedictum dediſſe, conceſſiſſe, & confirmaſſe pro nobis & Succeſſoribus noſtris, prout ſic damus concedimus & confirmamus per præſentes, Dilecto Nobis in Chriſto Johanni Boſſewell Notario Publico, & Juſtiniano Johnſon Literato, ac eorum utrique, ſive alteri diutius ſuperviventi, Officium Regiſtarii & Actorum Scribæ noſtri & Succeſſorum noſtrorum, in & per totos Archidiaconatus noſtros Eſſexiæ & Colceſtriæ (Decanatu de Barking duntaxat excepto;) necnon in & per totos Decanatus de Braughing, Harlow, Higham aliàs Hyingham, & Dunmow, noſtrarum Diœceſ.' & Juriſdictionis London', ad intereſendum ibidem unà cum Commiſſariis noſtris ac Succeſſorum noſtrorum in dictis partibus deputatis & deputandis quibuſcunque, tam in Teſtamentorum quorumcunque laicorum approbationibus, eorumque bonorum Adminiſtrationum commiſſionibus, ac Criminum & delictorum ſuorum cognitionibus & correctionibus, necnon in omnibus aliis Actis & Negotiis Eccleſiaſticis ad Officium prædict.' pertinen', cum omnibus & ſingulis Commoditatibus, Feodis, Vadiis, Proficuis, Proventibus & Emolumentis, Juribuſque & Pertinentiis univerſis eidem Officio debitis & ſpectan.' & pertinen.' quibuſcunque, Juribus, Feodis, Commoditatibus, Proficuis & Præeminentiis, ad Officium Regiſtrarii principalis & Actorum Scribæ noſtri, ac Succeſſorum noſtrorum in dictis partibus, quoviſmodo ſpectantibus & pertinentibus, ac ſpectare & pertinere debentibus, tantumodò exceptis: Habendum, tenendum, gaudendum, poſſidendum, exercendum & occupandum totum illud Officium Regiſtrarii & Actorum Scribæ in partibus prædictis, exceptis præexceptis, præfatis Johanni Boſſewell & Juſtiniano Johnſon, ac eorum utrique, ſive alteri diutius, ut præfertur, ſuperviventi, per ſe, & eorum utriuſque ſive alterius ſufficientem deputatum, aut ſufficientes deputatos, ad terminum & pro termino vitæ naturalis eorundem Johannis & Juſtiniani, ac eorum utriuſque ſive alterius diutius ſuperviventis, unà cum omnibus & ſingulis vadiis, Feodis, & Commiditatibus, cæteriſque præmiſſis, unà cum Robâ ſive Liberaturâ pro Togâ & Sectâ Generoſorum Familiæ noſtræ, ad Feſtum Nativitatis Domini, ſingulis Annis, à Nobis & Succeſſoribus noſtris percipiend.' & habend', in tam amplis modo & forma, quam aliquis alius Regiſtarius & Scriba ibidem ante hâc percepit & habuit, ſeu percipere potuit & debuit, abſque aliquâ impeditione, contradictione, reclamatione, moleſtatione, ſeu impedimento noſtro, aut Succeſſorum noſtrorum quorumcunque. In cujus Rei Teſtimonium, Sigillum noſtrum præſentibus apponi fecimus. Dat.' in Manerio noſtro de Fulham, ſecundo die menſis Novembris, Anno Domini milleſimo quingenteſimo quadrageſimo quarto, Regnique potentiſſimi & invictiſſimi in Chriſto Principis ac Domini noſtri Henrici octavi, etiam Dei Gratia Angliæ Franciæ & Hiberniæ Regis, & in Terra Eccleſiæ Anglicanæ & Hibernicæ ſupremi Capit', Anno triceſimo ſexto, noſtræque Tranſlationis Anno quinto. 1544.

—to hold during their Lives,

—with all Profits, &c, and a Robe, as Gentlemen of the Family.

Pag. 997.

VI. *Commiſſi opro Apparatore Conſiſtorii.*

* Braybrook; Regiſtr. f. 348. b.

* ROBERTUS, permiſſione Divinâ Londonienſis Epiſcopus, dilecto in Chriſto Filio Roberto Capun de London.' ſalutem, gratiam, & benedctionem: De tuis fidelitate & induſtriâ in Domino confidentes, Te in Apparatorem noſtrum Conſiſtorii noſtri London.' præficimus per præſentes; tibi omnia & ſingula quæ ad hujuſmodi noſtri Apparitoris officium pertinere dinoſcuntur, de conſuetudine ſeu de jure, Committentes; ac mandantes Univerſis & ſingulis noſtris ſubditis & ſubjectis per noſtram Civitatem Londinenſem conſtitutis, ut tibi in hiis quæ ad tuum ſpectant officium pariant & intendant debitè, ut tenentur. In cujus rei teſtimonium, ſigillum noſtrum præſentibus duximus apponendum, ad noſtrum beneplacitum tantummodò duratur.' Dat.' in Manerio noſtro de Croindon die . . . menſis Julii, anno Domini Milleſimo quadringenteſimo, & noſtræ Conſecrationis anno decimo nono. 1400.

An Apparitor is conſtituted, with general Powers, for the Conſiſtory of a Biſhop.

Pag. 997.

VII. *Commiſſio pro Apparitore in Partibus.*

Bon. Regiſt. f. 17, a. 3d.

HENRICUS Cole, &c. Reverendi in Chriſto Patris ac Domini, Domini Edmundi, Permiſſione divinâ Lond.' Epiſcopi, ſupremâ Auctoritate Sereniſſimæ Regiæ Majeſtatis in eâ parte legitimè fulcitus, in & per totam Diœc.' ſuam & Juriſdictionem Lond.' Vicarius in Spiritualibus Generalis, ſuíq; Conſiſtorii Epiſcopalis Lond.' principalis ſufficienter deputatus; Dilecto Nobis in Chriſto Johanni Mully Literato, Salutem in Domino. Ad citandum & peremptoriè monendum quaſcunq; utriuſq; ſexûs Perſonas in & per Decanatus de Wytham, Colceſtr' Tenderyng', & Lexdon', ubilibet degentes, ſuper quibuſcunq; Criminibus & Exceſſibus, quorum Cognitio, Punitio, Correctio, & Reformatio ad Forum Eccleſiaſticum, & Juriſdictionem dicti Reverendi Patris & noſtram, citra Offenſam Legum & Statutorum hujus Regni Angliæ, dinoſcuntur pertinere; Necnon Citationes & Decreta quæcunq; tam ex Officio mero, mixto, vel promoto, quàm ad Inſtantiam cujuſcunque Partis ſive Partium, legitimè & fidelitèr exequend.' ac de & ſuper Executione eorundem fideliter certificand.' & referend.' Executores inſuper Teſtamentorum ſive ultimarum Voluntatum quorumcunque infra dictos Decanatus, ſeu eorum aliquem, qualitercunq; decedentium, de Jure ſeu Conſuetudine citandos, etiam peremptoriè citand.' & monend.' ad comparend.'

A Biſhop's Official, having Power given him to appoint Apparitors,

—doth appoint one for particular Deanries, with ſpecification of Powers, coram Nobis aut dicti Reverendi Patris in partibus Commiſſar.' Generali, diebus & loco competent.' per Te præfigend.' & aſſignand.' Bona etiam hujuſmodi defunctorum appreciand.' & de iiſdem ſic appreciatis Inventaria conficiend.' & confici faciend.' & procurand.' Bona inſuper quorumcunq; infra dictos Decanatus ab inteſtato ſeu per viam inteſtati decedentium ſequeſtrand. ac in & ſub tuto ſequeſtro ſequeſtrata hujuſmodi fideliter ſervand.' & cuſtodiend.' Cæteraq; faciend.' exercend. & exequend.' quæ in præmiſſis, & circa ea neceſſaria fuerint, ſeu quomodolibet opportuna, & quæ ad Officium Apparitoris Generalis hujuſmodi quoad Decanat.' prædict.' ab antiquo dinoſcuntur pertinere: Tibi, de cujus Fidelitate, Conſcientiæ Puritate, Morum Gravitate, & Circumſpectionis Induſtria plurimum confidimus, plenam in omnibus committimus Poteſtatem; Teque Apparatorem Generalem dicti Reverendi Patris & noſtrum in & per Decanatus prædictos, præſtito primitus per te coram nobis de fideliter exercendo Officium Apparitoris hujuſmodi Generalis Juramento corporali, quod requiritur in hâc parte, Auctoritate dicti Reverendi Patris nobis in hâc parte commiſſâ, cum omnibus Proficuis & Emolumentis ad illud Officium pertinentibus & ſpectantibus, Ordinamus, præficimus, conſtituimus, & deputamus per Præſentes, ad noſtrum —during pleaſure. Beneplacitum duntaxat duratur.' In cujus rei teſtimonium ſigillum Officialitatis Conſ. Epiſcopalis London.' quo in hâc parte utimur, præſentibus apponi fecimus. Dat.' xxii. die Menſis Januarii, Anno Domini 1540. 1540.

SECT. XIX.

ECCLESIASTICAL CENSURES.

I. *Purgatio Accuſati de Incontinentiâ.* Tit. 46. p.1041.

The Vicar General of the Archbiſhop, as Ordinary,

3 Regiſtr. Whitg. f. 123, b.

EDWARDUS Stanhope, Legum Doctor, Reverendiſſimi in Chriſto Patris & Domini, Domini Johannis, Divinâ Providentiâ Cantuarienſis Archiepiſcopi, totius Angliæ Primatis & Metropolitani, Vicarius in Spiritualibus Generalis & Officialis Principalis, Legitimè Conſtitutus, Univerſis & Singulis Chriſti Fidelibus, præſentes Literas noſtras Teſtimoniales viſuris, lecturis, vel audituris, aut quos infraſcripta tangunt, ſeu tangere poterunt quomodolibet in futurum, Salutem in omnium Salvatore, & fidem indubiam præſentibus adhiberi: Ad Univerſitatis veſtræ notitiam deducimus, & deduci volumus per præſentes, Quòd viceſimo quinto die menſis Aprilis, Anno Domini milleſimo ſexcentiſimo primo, in Loco Conſiſtoriali Eccleſiæ Cathedralis Sancti Pauli London.' inter horas primam & tertiam poſt meridiem ejuſdem diei, Nos *Edwardus Stanhope* Legum Doctor, Vicarius in Spiritualibus Generalis antedictus dicti Reverendiſſimi Patris, pro Tribunali ſedentes, & in quodam Negotio receptionis Purgationis *Walteri Turner* de Staplehurſt in Comitatu Kancii *Clothier*, nobis per Commiſſarios regiæ Majeſtatis ad Cauſas Eccleſiaſticas relat.' juxta tenorem & effectum cujuſdam Ordinis eorundem Commiſſariorum Regiorum Sigillo eorum officii munit,' & Sigillat,' ritè & legitimè proceden.' Comparuit perſonaliter dictus *Walterus Turner*, & exhibuit quoddam Certificatorium ſuper Publicatione Citationis & Intimationis in dicto Ordine mentionat.' contra omnes & ſingulos (ſiqui ſint) qui contra Purgationem ſuam hujuſmodi opponere voluerint; & allegavit illud ſubſcriptum fuiſſe & eſſe manu propriâ *Henrici Bottinge*, Clerici, Curati de Staplehurſt, prædict.' & contenta in eodem fuiſſe & eſſe vera, ac ita habita & geſta, prout in eodem continetur; & ſuper veritate ejuſdem Certificatorii fecit fidem. Tunc, factâ publicâ præconizatione, trinâ Vice, *Harſlini Bathurſt*, promotoris officii &c. ad Petitionem dicti Walteri Turner, necnon omnium & ſingulorum contra Purgationem hujuſmodi objicere volentium, juxta tenorem ordinis prædicti, & nullo modo comparen.' &c.; dictus Turner petiit eos omnes & ſingulos reputari Contumaces, & in pœnam Contumaciarum ſuarum hujuſmodi decerni procedend.'

—proceeds to receive the purgation of one who had been accuſed of Incontinence.

procedend.' fore, ad recipiend.' Purgationem ejuſdem Walteri Turner, ipſorum ſic citatorum, intimatorum, & non comparentium, abſentiâ ſive contumaciâ in aliquo non obſtante; & in præſentiâ Magiſtri Lovell Procuratoris promotoris officii nihil objicientis, juxta tenorem Ordinis prædicti, ac Juris in hac parte exigentiam: Unde Dominus, ad ejus petitionem, ſic decrevit, prout petitur. Deinde dictus Turner, in pœnam Contumaciæ omnium & ſingulorum citatorum & intimatorum, ut ſuprà, produxit *Edwardum Eedes*, *Willielmum Cordingley*, *Ambroſium Bedwell*, *Georgium Dadſon*, & *Johannem French*, Inhabitantes, & Domicilia tenentes, infra dictam Parochiam de Staplehurſt prædict.' *Yeomen*, in Compurgatores ſuos, quos petiit in Compurgatores ſuos recipi, ac Juramento à Compurgatoribus deferri ſolito & uſitato onerari &c. & in pœnam &c. Et in præſentiâ Magiſtri Lovel, habitâ tunc prius ſolemni monitione & examinatione tam dicto Turner quàm dictis Compurgatoribus ſuis ſuper eorum juramento in hac parte præſtando, & de & ſuper periculo Perjurii ſi in eodem inciderint; Dominus, præſtito poſteà per dictum Turner Juramento, *That he hath not at any time heretofore committed* Adultery *or* Fornication *with* Agnes Barnes *aliàs* Oſborne, *now or late of the Pariſh of Staplehurſt aforeſaid in the ſaid order mentioned*, *nor had the carnal knowledge of her Body*; ſed ſe innocentem fuiſſe & eſſe illius criminis ei impoſiti; & ſimiliter, præſtito Juramento per eoſdem Edwardum Eedes, Willielmum Cordingley, Ambroſium Bedwell, Georgium Dodſon, & Johannem French, Compurgatores ſuos prædictos, *That whereas the ſaid* Turner *hath taken the Oath aforeſaid*, *they do in their Conſciences perſwade themſelves*, *he hath taken a true and juſt Oath therein*; *And that they do neither* know *nor* ſuſpect *him to be guilty of the ſame Crime.* Quibus ſic peractis, Dominus pronunciavit & declaravit dictum Walterum Turner, ſeſe ſufficienter in hac parte purgâſſe, & ipſum famæ ſuæ priſtinæ reſtituit, & decrevit Literas Teſtimoniales ſuper præmiſſis fieri, *and did order and enjoin him never to come into her the ſaid* Agnes's *Company*, *but in open Street and Market:* Præſentibus tunc & ibidem Magiſtis *Ricardo Goodal*, Procuratore Almæ Curiæ Cantuarienſis de Arcubus London,' *Simone Theloall*, Notario publico, *Georgio Forman* & *Rogero Bate*, literatis, teſtibus &c. In quorum omnium & ſingulorum præmiſſorum fidem & teſtimonium, has literas noſtras Teſtimoniales fieri, ac Sigillo, quo in Similibus utimur, appenſione communiri, mandavimus & fecimus. Dat' viceſimo quinto die Menſis Aprilis, Anno
1601. Domini milleſimo ſexcenteſimo primo.

—who produces his Compurgators,

—and firſt purging himſelf upon oath,

—is afterwards purged by them,
—and (being firſt enjoined not to keep Company with the Woman) is reſtored to his good Name.

Tit. 46. p. 1042.

II. *Reſtitutio Famæ Bonæ, poſt Purgationem.*

* Langham; Regiſt. f. 60. b.

UNiverſis Chriſti fidelibus præſentes literas inſpecturis, * Simon, &c. Salutem in ſinceris amplexibus Salvatoris. Noverit Univerſitas veſtra, quòd cùm Dominus Jacobus Rector Eccleſiæ de Clopham Wynt.' Diœceſis, inter nonnullos quæſtores ſuper falſificatione tam literarum Apoſtolicarum quàm noſtrarum & aliorum Suffraganeorum noſtrorum, ac uſu earundem, graviter diffamatus fuiſſet; per nos Judicialiter impetitus, idem Dominus Jacobus ſuper facto hujuſmodi ſibi impoſito legitimè ſe purgavit: Unde eundem Jacobum, quatenùs ad nos in eâ parte attinebat, bonæ famæ ſuæ priſtinæ reſtituimus, & ipſum à fatigatione ulteriori eidem ex officio noſtro faciend.' dimittimus per
1367. præſentes. Dat.' apud Lamheth, quarto Idus Februarii, Anno Domini milleſimo trecenteſimo ſexageſimo ſeptimo.

A Perſon accuſed, having duly Purged himſelf,

—is reſtored to his good name, and diſmiſſed.

Tit. 46. p. 1044.

III. *Literæ Teſtimoniales Ordinarii de Pœnitentiâ Commutatâ.*

* Abbot; Regiſtr. f. 262. b.

UNiverſis & ſingulis Chriſti fidelibus, præſentes Literas noſtras Teſtimoniales viſuris, lecturis, vel audituris, aut quos infraſcripta tangunt ſeu tangere poterint quomodolibet in futurum, * Georgius &c. Salutem in Domino ſempiternam ac fidem indubiam præſentibus adhiberi. Ad Univerſitatis veſtræ notitiam deducimus, & deduci volumus per præſentes, Quòd dilectus nobis in Chriſto Magiſter Thomas Ridley, Legum Doctor, Vicarius in Spiritualibus Generalis & Officialis principalis legitimè conſtitutus, in quodam negotio Correctionis ſive Reformationis contra Jacobum Gates de Sidleſham in Comitatu Suſſex', Ciceſtrenſis Diœceſis prædict.' noſtræque Cantuarienſis Provinciæ, propter adulterium ſive fornicationem cum quadam Joanna Pratt ejus nuper famulâ per eum commiſſ.' & perpetrat.' ex officio ſuo mero ritè & legitimè procedens (audito priùs per eum dicto negotio, ac conſideratis Circumſtantiis ejuſdem) tandem, die dat.' præſentium, ex certis cauſis & conſiderationibus eum & ejus animum in hac parte legitimè moven.' Pænitentiam publicam, aliàs dicto Jacobo Gates pro Crimine prædicto injunctam, in mulctam & pœnam pecuniariam in pios & Charitativos uſus, juxta Juris exigentiam & Canonem dudum in ea parte edit.' & promulgat.' diſtribuend.' & erogand. commutavit; prout ex Regiſtro noſtro Principali pleniùs liquet & apparet. In cujus rei

A Perſon having been allowed the Liberty of Commutation of Penance for Adultery;

—the ſame is certified out of the Acts of Court, by the Ordinary.

teſtimonium, Sigillum quo in hac parte utimur, præſentibus apponi fecimus. Dat.' Decimo ſexto die menſis, Junii, Anno Domini milleſimo ſexcenteſimo decimo quinto, & noſtræ Tranſlationis Anno quinto.

1615.

IV. *Inhibitio de non-communicando cum Excommunicato.*

Recites, That the Perſon had been denounced Excommunicate,

—and forbids all perſons to converſe with him.

Winch. 279. a.

ROBERTUS Permiſſione Divinâ &c. Dilectis Filiis Majori & Communitati Civitatis London.' Salutem &c. Quia Radulphus de Honilane vinetarius Executor Teſtamenti quondam Thomæ le Lyndraper Civis London.' jam defuncti Authoritate Curiæ noſtræ Cantuarienſis, majoris Excommunicationis Sententia ritè & legitimè dudum extitit innodat.' ipſamque Sententiam per triennium & amplius, tanquam Filius Inobedientiæ dampnabiliter ſuſtinuit animo indurato, & adhuc in eadem non abſque heretica pravitate contemptis Eccleſiæ Clavibus pertinaciter perſeveret, ſicque excommunicatus, etiam cum communicantibus eidem, fuiſſet ſolempniter per totam Civitatem London.' diu eſt notiſſime publicatus, ac velut obduratus, eò magis fidelium communioni ſe ingerat, alios ſuâ Contagione maculando, multique Filii degeneres propriæ Salutis immemores, vigoremque Diſciplinæ Eccleſiaſticæ contempnentes eidem communicando impudenter non formident ejuſdem Sententiæ laqueo cum eodem involvi: Nolentes tanta Dei & Hominum Offendicula Catholicæ Fidei contraria, ſub Conniventiæ & Diſſimulationis clamide pertranſire, ne oberrantium in deviis, quos ad viam vitæ revocare tenemur, Sanguis à tremendo Judice de noſtris Manibus requiratur: Vobis omnibus & ſingulis, tam perhorrendæ Communionis Periculum, quod nemini per captatam ignorantiam volumus eſſe occultum, tenore præſentium intimamus, in virtute ſanctæ Obedientiæ & ſub Interminatione Maledictionis æternæ; nihilominus firmiter injungendo mandantes, quatenus dictum Radulphum in omnibus tractatibus & convocationibus veſtris, tanquam membrum putridum Eccleſiæ, Diaboloque commiſſum diligenter vitare curetis. Ob Salutem etiam Animarum inhibentes diſtrictè, nequis cum eodem Radulpho edendo, bibendo, emendo, vendendo, locando, conducendo, mercando, colloquendo ſeu quovis alio modo illicitè communicare præſumat, ſcientes quod contra rebelles in hac parte inventos manus non retardabitur correctiva. Valete. Datum apud Croydon ſexto Kalendarum Octobris, Anno Domini milleſimo trecenteſimo, Conſecrationis noſtræ ſeptimo.

1300.

V. *Literæ Ordinarii pro Captione Excommunicati.*

Tit. 46. p. 1054.

Certificate of the Ordinary to the Prince; that one hath remained Excommunicate 40 Days;

— and his Supplication for the writ.

Peccham; Regiſtr. f. 90. a.

EXcellentiſſimo Principi, &c. Salutem in eo per quem Reges regnant & Principes dominantur. Excellentiæ veſtræ notum facimus per præſentes, quòd David de Shevenok Clericus, Roffen.' Diœceſ.' majoris Excommunicationis Sententiâ, autoritate noſtrâ, innodatus, per quadraginta dies & ampliùs animo indurato perſeveravit in eadem, & adhuc perſeverare non formidat, Claves Eccleſiæ contemnendo, in non modicum animæ ſuæ periculum, & aliorum pernicioſum Exemplum: Quocircà Excellentiæ veſtræ humiliter ſupplicamus, quatenùs, cùm Sancta Dei mater Eccleſia non habeat ultrà quod faciat, ad captionem ejuſdem Majori & Vice-Comitibus London.' ac Domino Stephano de Penceſter, juxta Regni veſtri conſuetudinem, reſcribere velitis; ut quem Dei timor à malo non revocat, Eccleſiaſtica ſaltem coërceat Diſciplina. Conſervet Deus Excellentiam veſtram per tempora longæva. Dat.' apud Mortelak, Kal. Maii, anno Domini 1282. Conſecrationis noſtræ quarto.

1282.

VI. *Requiſitio Commiſſarii, Epiſcopo; pro Brevi de Excommunicato capiendo.*

Tit. 46. p. 1054.

The Commiſſary writes to the Archbiſhop, as Ordinary,

REverendiſſimo in Chriſto Patri, & Domino Domino Johanni, Permiſſione divinâ Cantuarienſi Archiepiſcopo, totius Angliæ Primati & Metropolitano, ejúſve Vicario in Spiritualibus Generali & Officiali Principali, Veſter humilis & devotus *Stephanus Lakes*, Legum Doctor, Civitatis & Diœceſis Cantuarienſis Commiſſarius Generalis legitimè deputatus, omnimodam reverentiam & obedientiam debitam cum honore. Cùm Nos in quâdam cauſâ ſubſtractionis Legati, quæ coram nobis in judicio inter *Elizabetham Wattes* aliàs *Chartham*, filiam naturalem *Thomæ Chartham* nuper de Sydingbourn, Archidiaconatûs Cant.' defunct.' ac Legatariam in Teſtamento dicti defuncti nominatam, partem actricem parte

parte ex una; & *Helena Hunt* aliàs Chartham de Sydingbourn Executricem Teſtamenti ſive ultimæ Voluntatis *Annæ Chartham* defunctæ, nuper dum vixit Executricis Teſtamenti Thomæ Chartham defuncti, partem ream & querelatam, partibus ex altera, nuper vertebatur & pendet indeciſa, ritè & legitimè procedentes, eandem Helenam Hunte, aliàs Chartham, propter ejus Contumaciam in non ſolvendo ſummam trium librarum & quindecim Solidorum pro medietate ſortis principalis, & ſummam triginta trium Solidorum ac quatuor denariorum pro medietate Expenſarum in hujuſmodi caſu per nos adjudicat.' & legitimè taxat.' nec certificand.' de ſolutione earundem juxta monitionem noſtram ſibi judicialiter factam, Pronunciaverimus Contumacem, & in pœnam Contumaciæ hujuſmodi Excommunicaverimus in ſcriptis, ac pro Excommunicatâ palam & publicè, juxta juris exigentiam, denunciari & declarari fecimus, juſtitiâ id poſcente; cúmque dicta Helena Hunt, aliàs Chartham, in hujuſmodi Sententiâ Excommunicationis per quadraginta dies & ultra poſt denunciationem hujuſmodi contumaciter perſeveravit, & adhuc perſeverat, Juriſdictionem Eccleſiaſticam nequiter contemnendo; Vobis igitur, Veſtræque Reverendiſſimæ Paternitati ſupplicamus & intimè rogamus, quatenùs ad ipſius Helenæ Hunt aliàs Chartham ſic excommunicatæ obſtinatiam reprimendam, Regiæ Majeſtati pro Corporis ipſius Helenæ Hunt aliàs Chartham Captione, juxta hujus Regni Angliæ Conſuetudinem hactenùs uſitatam in ſimilibus, ſcribere dignemini; ut quem timor pœnæ Eccleſiaſticæ à Contemptu non revocat, ſaltem coerceat & compellat animadverſio Pœnæ Corporalis à ſuâ Majeſtate infligenda; quam ad populi regimen & Regni ſui Tranquillitatem diu conſervet proſperam Clementia divina noſtri Salvatoris. In cujus rei Teſtimonium, Sigillum Officii noſtri Officialitatis prædictæ præſentibus appoſuimus. Dat.' viceſimo nono die menſis Novembris, Anno Domini milleſimo quingenteſimo octogeſimo tertio. 1583.

— to ſignify his having Excommunicated a certain perſon,

— and to pray him to write to the Prince for the writ.

Tit. 46. p.1060.

VII. *Sgnificatio Ordinarii pro Liberatione Excommunicati Capti, è Carcere.*

† Reynolds; Regiſtr. f. 62. a.

EXcellentiſſimo Principi &c. † W. Providentiâ Divinâ Cantuarienſis Archiepiſcopus, &c. Quia (A) de (B) nuper propter ſuam manifeſtam Contumaciam pariter & offenſam, auctoritate noſtrâ Ordinariâ Excommunicavimus, in quâdam cauſâ ad noſtram Cant.' Curiam legitimè devolutâ; contra quem propter ſuam Rebellionem per quadraginta dies, invocavimus (prout moris eſt) auxilium Brachii Sæcularis; poſtmodùm ad S. Matris Eccleſiæ gremium rediens, de hujuſmodi Contumaciâ & Offenſâ Deo & Eccleſiæ ſatisfecit, & ob hoc ab Excommunicationis ſententiâ, in formâ Juris, Abſolutionis beneficium meruit obtinere; Idcirco Regiæ Celſitudini ſupplicamus, quòd ſi ad dicti (A) captionem ſit proceſſum occaſione præmiſſâ, pro ejuſdem Pœnitentis liberatione, ſi placeat, reſcribatis.

The Ordinary ſignifies that the Party hath ſubmitted to the Church,

— and therefore prays the Writ, for his Deliverance.

Tit. 46. p.1060.

VIII. *Significatio alia Ordinarii, pro Liberatione Excommunicati Capti è Carcere.*

* Whitgift, 1 Regiſtr. f.129. b.

ILluſtriſſimæ in Chriſto Principi, & Dominæ noſtræ Dominæ Elizabeth, Dei gratiâ Angliæ Franciæ & Hiberniæ Reginæ, fidei Defenſori, * Johannes Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, omnimodam Reverentiam, Obedientiam & Subjectionem, ac Gratiam & felicitatem perpetuam, in eo per quem Reges regnant & Principes dominantur: Veſtræ Regiæ ſublimitati tenore præſentium ſignificamus, quòd dilectus nobis in Chriſto Magiſter *Willielmus Awbrey*, Legum Doctor, Vicarius noſter in Spiritualibus generalis & Officialis principalis, legitimè conſtitutus, ritè & Legitimè proceden.' *Thomam Byram* Clericum, Vicarium de Stowmarket in Comitatu . . . . . Norwicenſis Diœc.' noſtræque Cantuarienſis Provinciæ, à quâdam Sententiâ Excommunicationis per Commiſſarium noſtrum in partibus, intuitu Viſitationis noſtræ infra Diœc.' Norwicen.' prædict.' aliàs propter ejus contumaciam in non comparendo in Viſitatione noſtra infra eandem Diœceſin nuper actualiter exercit.' (ad ſubeundum omnia in Viſitatione hujuſmodi fienda, eum tangentia) in eum latâ; præſtito primitùs Juramento in eâ parte requiſito juxta Juris exigentiam, abſolvit, juſtitiâ mediante: Unde Nos, Johannes Archiepiſcopus Cantuarienſis antedictus Veſtræ Regiæ Celſitudini humiliter ſupplicamus, quatenùs pro corporis ipſius *Thomæ Byram* à carceribus quibus cauſâ & occaſione dictæ Excommunicationis ſuæ mancipatus exiſtit, liberatione, ſecundùm Leges & Statuta Regni veſtri Angliæ, Miniſtris veſtris ſcribere dignetur Excellentiſſima veſtra Regia Majeſtas, quam ad Populi ſui felix regimen diu

The Archbiſhop, as Ordinary, ſignifies to the Prince,

— that one who was Excommunicated, is abſolved,

— and therefore prays the Writ for his Deliverance.

conſervet in proſperis dextra Dei Omnipotentis. In cujus rei Teſtimonium, &c. Dat.' tertio die Menſis Decembris, Anno Domini milleſimo quingenteſimo octogeſimo ſexto, & noſtræ Tranſlationis Anno quarto. 1586.

IX. *Literæ Juſtitiariis, ne Excommunicatus admittatur ad Actus Legitimos.*

Tit. 46. p. 1050.

Inhibition to the Juſtices, that an Excommunicate be not admitted to any *Legal* Act,

DIſcretis Viris, Illuſtris Regis Angliæ Juſtitiariis, ac univerſis Chriſti Fidelibus præſentes Literas inſpecturis vel audituris, Frater † J. &c. Salutem & ſinceram in Domino Caritatem: Quia Ricardus de Puleſdon, ob manifeſtam Contumaciam pariter & offenſam notoriam, Excommunicavimus in ſcriptis, juſtitiâ exigente; Univerſitatem veſtram monemus & hortamur in Domino, quatenùs dictum Ricardum, tanquam Excommunicatum & à Communione Fidelium Sequeſtratum, ab omni Actu legitimo coram Vobis repellatis, & arctiùs evitetis, donec ad gremium S. Matris Eccleſiæ rediens humiliter, à Nobis meruerit Abſolutionis Beneficium obtinere, & Vos ſuper hoc effectu fueritis certiores. Dat.' apud Frekinham, 2 Kal. Apr. anno Dom. 1281. Conſecrationis noſtræ tertio. 1281.

—till he ſubmit, and be Abſolved.

† Peccham; f. 174. b.

X. *Mandatum de Exhumando Corpus Excommunicati.*

Tit. 46. p. 1049.

An Excommunicate perſon having been buried in a Church-yard, contrary to the Canons of the Church,

* ROBERTUS, permiſſione Divinâ &c. Dilecto filio, diſcreto Viro Domini † R. Dei gratiâ London.' Electi Confirmati, ipſo in remotis agente, Vicario, Salutem. Sacris Canonibus eſt inſtitutum (ut quibus non communicavimus vivis, nec communicemus defunctis) ut Eccleſiaſticâ careant ſepulturâ, qui viventes ab Eccleſiaſticâ Unitate præciſi, in morte ſuâ nulla ſigna Pœnitentiæ expreſſerunt. Res itaque pernicioſa exemplo exiſtit, quòd quidam Preſbyteri & Clerici, ducti cupiditatis vitio, Hugonem le Blake de Cantuar.' Excommunicatum auctoritate noſtrâ, & in eâdem Excommunicatione per plures annos obſtinaciter perdurantem, in Cæmiterio Sancti Michaelis de Cornhill inter Chriſtianos Fideles tradiderunt Eccleſiaſticæ Sepulturæ, in noſtri præjudicium, & ſcandalum plurimorum. Cùm igitur Canones præcipiant, corpora talium exhumari, & procul à Cœmeteriis dedicatis abjici & expelli; Vobis, in virtute obedientiæ Committimus & mandamus ſub pœnâ Excommunicationis, quam volumus vos incurrere ſi in hac parte negligentes fueritis vel remiſſi, quatenùs Corpus dicti Hugonis à loco in quo ſepultum erat, extrahi faciatis, per illos qui ipſum ſepelire damnabiliter præſumpſerunt, & alibi in loco prophano ſeu non dedicato reponi; ipſos ad id, ſi neceſſe fuerit, per Excommunicationis & Interdicti ſententias compellendo. Et quid feceritis in præmiſſis, ac etiam de nominibus omnium qui præfatum defunctum ſepelire præſumpſerunt, nos citra feſtum Nativitatis Sancti Johannis Baptiſtæ Certificetis per veſtras Patentes literas harum ſeriem continentes. Dat.' apud Aldington, vii° Id.' Junii, Anno Domini M°. CCC^{mo}. quinto, Conſecrationis noſtræ xj°. 1305.

—is commanded to be dug up,

—and to be buried in an unconſecrated Place.

* Winchelſey, Regiſtr. f. 296. b.

† Rad. de Baldock.

SECT.

SECT. XX.

SCHOOLS.

Pag. 1099.

I. *Collatio Scholarum per Ordinarium, & Patronum.*

* Winchelſea, Regiſt. f. 50. a.

The Ordinary as Patron, *Collates* to a Vacant School.

*ROBERTUS, permiſſione Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas, dilecto filio Magiſtro Johanni Everard, Salutem, gratiam & benedictionem: Regimen Scholarum Civitatis Cant.' & ipſas Scholas, ad noſtram meram Collationem ſpectantes, Tibi Conferimus intuitu caritatis, & te Rectorem Inſtituimus in eiſdem; téque ipſis Scholis, cum ſuis Juribus & pertinentiis quibuſcumque, præſentialiter Inveſtimus. In cujus rei teſtimonium Sigillum noſtrum præſentibus eſt appenſum. Dat.' apud Maghefeld, v^{to} Id.' Martii, Anno Domini M° tercenteſimo x°, Conſecrationis noſtræ xvij°.

1310.

Item habuit Induct.' Officiali Archidiaconi Cant.'

Pag. 1099.

II. *Collatio Regiminis Scholarum, per Ordinarium.*

* Courtney, Regiſtr. f. 10. b.

The Ordinary Confers the *Rule* and *Government* of a School.

*WILLIELMUS, Permiſſione Divinâ Archiepiſcopus, &c. Dilecto Filio Domino Johanni Catour Presbytero, Salutem, Gratiam & Benedictionem. Probitatum merita, & alia virtutum dona, quibus (prout fide-dignorum teſtimonio accepimus) inſigniris, debitè attendentes; Tibi regimen & gubernationem Scholarum Gramaticalium Villæ de Haddeleygh, noſtræ Juriſdictionis immediatæ, Committimus exercend.' téque Magiſtrum tenore præſentium præficimus earundem. In cujus rei teſtimonium, ſigillum noſtrum privatum præſentibus duximus apponend.' Dat.' in Manerio noſtro de Croydon, vii° Die Menſis Maii, Anno Domini milleſimo CCC^{mo} lxxxij°, & noſtræ Tranſlationis Anno primo.

1382.

Pag. 1101.

III. *Licentia Provincialis ad Inſtruendum Pueros.*

* Parker; 2 Regiſtr. f. 86. b.

The Archiſhop grants Licence to teach in any part of the Province;

*MATTHÆUS, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus; Dilecto nobis in Chriſto, Godfrido Swayne, in Artibus Baccalaureo, Salutem, Gratiam & Benedictionem. Ad Inſtruendum, Erudiendum, & informandum quoſcunque pueros in literis Grammaticalibus & aliis documentis licitis & honeſtis, ac de Jure & Statutis hujus Regni Angliæ permiſſis & approbatis, in quocunque loco publico vel privato, tuo arbitrio eligendo in & per totam Provinciam noſtram Cantuarienſem ubilibet conſtitut.' Tibi, de cujus Literarum Scientiâ, conſcientiæ puritate, morum probitate, & diligentiâ, plurimùm confidimus, plenam in Domino tenore præſentium Concedimus poteſtatem pariter & Facultatem, per præſentes; ad beneplacitum Noſtrum tantummodo duratur.' In cujus Rei Teſtimonium Sigillum noſtrum præſentibus apponi fecimus. Dat.' London.' nono die Menſis Martii, Anno Domini, juxta computationem Eccleſiæ Anglicanæ, milleſimo quingenteſimo ſeptuageſimo quarto, & noſtræ Conſecrationis Anno decimo ſexto.

— to continue during pleaſure.

1574.

IV. *Licentia Diœceſana ad Inſtruendum Pueros, cum Inhibitione, ne alii doceant in certis Locis.*

Pag. 1101.

A Dioceſan Licence is granted to a particular perſon,

[*] EDMUNDUS, Permiſſione Divinâ de Burgo Sancti Petri aliàs Petriburgenſis Epiſcopus, Dilecto Thomæ Aſhbroke, Artis Grammatices Magiſtro, Salutem: Quoniam de idoneâ & ſufficienti literaturâ tua, rectóque & ſincero tuo de Religione Judicio, ſumus debitè inſtructi, vitâque & moribus ſis nobis ſufficienter commendatus; Ut in Eccleſiâ Parochiali de *Oakham*, noſtræ Petriburgenſis Diœceſis, vel alio quovis Loco infra hanc noſtram Petriburgenſem Diœceſin, Parvulos in arte Grammaticâ inſtruere & erudire valeas, & Ludimagiſtri munus in omnibus ſubire, quamdiu laudabiliter te geſſeris, & Leges hujus Regni non offenderis (Inhibentes prætereà, & Inhibemus, omnibus & ſingulis aliis quibuſcunque, parvulos in arte Grammitices inſtruere, aut in aliquo Ludimagiſtri munus ſubire, infra Villas de *Okeham*, *Langham*, *Broke*, & *Egleton*, in præjudicium præfati *Thomæ Aſhbroke*, ſub pœna incumbente,) Tibi, de cujus fidelitate &c. Licentiam & Facultatem concedimus per præſentes. In cujus rei Teſtimonium, Sigillum noſtrum apponi fecimus. Dat.' viceſimo nono Die menſis Maii, Anno Domini milleſimo quingenteſimo ſeptuageſimo ſeptimo.

— with inhibition, as to certain places, that no other teach to his prejudice.

1577.

[*] Scambler; Regiſt. Grind. f. 214. a.

V. *Licentia Ludimagiſtri pro Liberâ Scholâ.*

Pag. 1101.

A Licence to teach a Free-School is granted,

[†] GEORGIUS, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Dilecto nobis in Chriſto Nathanieli Vincent, Socio Collegii Regalis in Univerſitate Cantabrigienſi, in Artibus Baccalario, Salutem & Gratiam. Ad inſtruendum, erudiendum, & informandum quoſcunque pueros in literis Grammaticalibus aliiſque documentis licitis & honeſtis, ac de jure, legibus & ſtatutis hujus regni Angliæ in ea parte permiſſis & approbatis, juxta Leges, Statuta & Conſtitutiones in eâ parte editas & proviſas, & non aliter, in Liberâ Scholâ Grammaticali de Sevenock in Comitatu Cantii, Decanatûs de Shoram, noſtri & Eccleſiæ noſtræ Cathedralis & Metropoliticæ Chriſti Cant.' Juriſdictionis immediatæ, tanquam Magiſter Principalis ejuſdem Scholæ, juxta Certificatorium per Guardianos, Aſſiſtentes, ſive Superviſores Oppidi, Parochiæ, & Liberæ Scholæ de Sevenoke prædict.' coram Nobis in ea parte exhibit.' Tibi, de cujus fidelitate, laudabili teſtimonio, Literarum Scientiâ, conſcientiæ puritate, morum probitate, & diligentiâ, plurimum confidimus (primitùs tribus illis Articulis mentionatis in triceſimo ſexto Capitulo Libri Conſtitutionum ſive Canonum Eccleſiaſticorum, Anno Domini milleſimo ſexcenteſimo quarto, Regiâ Authoritate edit.' & promulgat.' manu tuâ propriâ in hunc modum ſubſcribenti viz. primo & tertio Articulis integris, & ſecundi Articuli duobus prioribus membris; necnon Juramentum Supremitatis Regiæ Majeſtatis, juxta vim, formam & Effectum Statuti Parliamenti dicti regni Angliæ in ea parte editi & proviſi, ad Sancta Dei Evangelia per te corporaliter tact.' & deoſculat.' coram nobis præſtanti & ſubeunti) Licentiam & Facultatem noſtras concedimus & impertimur per præſentes, ad noſtrum beneplacitum tantummodò duratur.' In cujus rei &c. Dat. viceſimo ſeptimo Die menſis Auguſti, Anno Domini milleſimo ſexcenteſimo decimo ſeptimo, & noſtræ Tranſlationis Anno ſeptimo.

— upon the Certificate of the Wardens, Aſſiſtants, &c.

— to continue during pleaſure.

1617.

[†] Abbot; 1. Regiſtr. f. 203. b.

VI. *Negotium Revocationis Licentiæ Ludimagiſtri, promotum per Magiſtrum Liberæ Scholæ.*

Pag. 1101.

A Licence having been granted to Teach in a private Houſe, where was a Free-School,

EX parte Henrici Bowyer, comparuit perſonaliter Gulielmus Trumbull Legum Doctor, Reverendi in Chriſto Patris Domini Johannis permiſſione Divinâ Roffen.' Epiſcopi Vicarius in Spiritualibus Generalis, & allegavit, à tempore cujus in contrarium non extat hominum Memoria, liberam ſive publicam ſcholam fuiſſe & eſſe infra Villam ſive oppidum de Graveſend, ritè & legitimè fundatam & cum annuâ Penſione quinque Librarum Legalis &c. ad erudiendum quatuor pueros oppidanos ejuſdem oppidi ſive villæ, indotatam, eandémque Penſionem Ludi-moderatoribus ibidem juxta fundationem prædict.' quotannis impenſam & ſolutam eſſe, præfatúmque Henricum Bowyer per Ordinarium Loci ad publicè Erudiendum ibidem Licentiatum fuiſſe & eſſe: Præmiſſis tamen non obſtantibus, quendam Jacobum Hayes, contra Canones & Conſtitutiones Eccleſiæ Anglicanæ ſtabilitas & conſtitutas, in præjudicium antedictæ Liberæ Scholæ, privatim infra ædes ſuas ibidem Ludimagiſtri munere fungi & exercere attentâſſe, & Licentiam ſpecialem eapropter à Magiſtro ſive Commiſſario Facultatum obtinuiſſe, &c. [*] Quibus geſtis, & partibus

— complaint is made thereof,

Regiſt. Sheld. 360. b.

[*] Sequuntur Teſtimonia de Dotatione Scholæ.

tibus ulterius hinc inde auditis, præfatus Dominus Archiepiſcopus, juxta allegata & probata dictæ partis Henrici Bowyer, eandem Scholam infra dictam Villam ſive Oppidum prædictum, modo ut ſupra erectam & fundatam, cum annuâ Penſione quinque librarum in uſum prædictum *indotatam*, ac *liberam* & *publicam* eſſe, ac ita perpetuis futuris temporibus remanere debere, pronuntiavit & decrevit; Eundémque Jacobum Hayes tunc & ibidem monuit & expreſſè inhibuit, ut ne quid poſthac in præjudicium ejuſdem, aut Ludimagiſtri ibidem Licentiati, impoſterùm attentet ſeu attentare præſumat; necnon ut ab omni Jactitatione Licentiæ ſive Facultatis, vigore Juriſdictionis ſedis Archiepiſcopalis Cantuarienſis ullatenùs obtentæ ad effectum antedictum, de futuro abſtineat: Et quòd ſi, & quatenùs, ullam Licentiam ſive Facultatem pro præmiſſis obtinuerit, eandem ex Cauſis præ-aſſertis tanquam ſurreptitiè & contra Canones conceſſam & obtentam, caſſavit & annullavit, ac pro nullâ & invalidâ ad omnem Juris Effectum decrevit & declaravit. Denique Johanni Berkenhead Militi ad Facultates Commiſſario, tunc etiam præſenti, in Mandatis dedit, ut nullam Licentiam ſive Facultatem ad erudiendum & informandum Pueros infra Villam prædictam ſub Sigillo ſuo ad Facultates emanare permittat, aut aliquatenùs concedat, ſub pœnâ Juris & Contemptûs.

—and, the School being declared a *Free-School*,

—the Licence is revoked;

—and Directions given not to grant any other for the Place.

Pag. 1101.

VII. *Licentia ad peragendum Officium Curati, & Ludimagiſtri, in certâ Parochiâ.*

Grindal, Regiſtr. f.238.

WILLIELMUS Awbrey, & Willielmus Clerk, Legum Doctores, Officio Vicariatûs in Spiritualibus Generalis & Officialitatis Principalis Sedis Archiepiſcopalis Cantuarienſis legitimè fungentes, Dilecto nobis in Chriſto *Hugoni Price* Clerico, in Artibus Baccalaureo, Salutem in Authore Salutis: Ad peragendum Officium *Curati Parochialis* tam de Sutton, Winton.' Diœceſis, Cantuarienſiſque Provinciæ, quàm in quacunque alia Eccleſia per Provinciam Cantuarienſem prædict.' ubilibet conſtitut.' in Precibus communibus, aliiſque miniſteriis Eccleſiaſticis ad Officium preſbyteri pertinen', juxta formam deſcriptam in Libro publicarum Precum, authoritate Parliamenti hujus inclyti Regni Angliæ edit.' & ſtabilit.' & Regias Injunctiones in ea parte publicatas, & non aliter neque alio modo; Necnon ad inſtruendum, erudiendum, & informandum, quoſcunque Pueros in literis Grammaticalibus, & aliis documentis licitis & honeſtis, ac de jure, & hujus regni Angliæ Ordinationibus, Statutis, & regiis Injunctionibus permiſſis & approbatis, quocunque loco publico vel privato tuo Arbitrio eligendo, infra Parochiam de Sutton prædict.' Tibi, de cujus fidelitate, morum integritate, & ſanâ doctrinâ confidimus, plenam in Domino, tenore præſentium, concedimus poteſtatem, pariter & facultatem; ad beneplacitum noſtrum tantummodò duratur.' In cujus rei teſtimonium, Sigillum quo in hac parte utimur præſentibus apponi fecimus. Dat.' London.' viceſimo die Menſis Junii, Anno Domini milleſimo, quingenteſimo, octogeſimo primo. 1581.

The ſame perſon who is Licenſed to be Curate,

—is alſo Licenſed to teach School;

—and both to continue only during pleaſure.

Pag. 1101.

VIII. *Inhibitio contra quendam, Pueros Inſtruentem, in præjudicium Curati.*

* Bancroft, Regiſtr. f.146, a.

* RICARDUS, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Univerſis & Singulis Clericis & Literatis quibuſcunque, per Provinciam noſtram Cantuarienſem ubilibet conſtitutis, Salutem. Cum in ſeptuageſimo octavo Canone Libri Conſtitutionum ſive Canonum Eccleſiaſticorum tractat.' & concluſ.' in Synodo Londini inchoat.' Anno Salutis milleſimo ſexcenteſimo tertio, Regnique ſereniſſimi in Chriſto Principis & Domini noſtri, Domini Jacobi Dei Gratiâ Angliæ Franciæ & Hiberniæ Regis Fidei Defenſoris &c. primo, & Scotiæ triceſimo ſeptimo; ac poſteà ab eâdem Regiâ Majeſtate approbat.' & confirmat.' Statutum & ordinatum ſit, Quòd in omni Eccleſiâ Parochiali, vel Capellâ, in qua Curatus extiterit qui in Magiſterii aut Baccalaureatûs gradu conſtitutus, vel aliàs habilis & idoneus ad docendum ſit, & ad augend.' victûs ſui ſubſidia, puerоſque in principiis rectæ Fidei inſtituendos, operam munúſque illud docendi lubens velit ſuſcipere, nulla Facultas ſive Licentia ad pueros illius Parochiæ in quâ talis Curatus exiſtit erudiendum, cuivis niſi dicto Curato per Loci Ordinarium concedatur: Cúmque Dilectus nobis in Chriſto Robertus Walker, Preſbyter, in Artibus Magiſter, Curatus Eccleſiæ Parochialis de Torrington magnâ & Capellâ Sancti Egidii eidem annex.' in Comitatu Devon.' Exon.' Diœceſis, noſtræque Cantuarienſis Provinciæ, propter Exilitatem Stipendii ſui ibidem pro Curis inſerviendis, & meliorem ſuam ſuſtentationem, docendi munus infra Parochiam de Torrington magna prædict.' exercuerit & exercet in præſenti, Authoritate, & Licentiâ Reverendi in Chriſto Patris Confratris noſtri Domini Willielmi Exon.' Epiſcopi moderni, loci illius Ordinarii & Diœceſani, ſibi in

Recited, That the 78 Canon forbids any other Licence, where the Curate will teach School;

—That a Curate had had a Licence to teach, but without the Clauſe of inhibition;

—That againſt that Canon, divers had taken upon them to teach, in the ſame Place;

in ea parte fact.' & conceſs. abſque tamen Clauſulâ inſertâ in eâdem, Inhibendi aliis infra Parochiam prædictam docentibus, ſeu docere volentibus: Cúmque quidam Thomas Potter, Anthonius Hudſon, & Johannes Jeffery, docendi Munus infra Parochiam de Torrington magna prædict.' ſine aliquâ Licentiâ, ſaltem legitimâ, ac contra formam Canonis prædicti, Exercuerint & Exercent in præſenti, in dicti Roberti Walker præjudicium non modicum: Cúmque prætereà dictus Robertus Walker ad hujuſmodi Mala & Incommoda curanda & evitanda, petitionem ſuam in ſcriptis conceptam circa viceſimum quartum diem Octobris, Anno Domini milleſimo ſexcenteſimo quarto, nobis exhibuerit, ac licentiam noſtram ad hujuſmodi docendi munus exercendum, cum Inhibitione inſertâ contra omnes alios docentes infra Parochiam prædictam, petierit & poſtulârit: Ac licèt Petitio dicti Roberti Walker nobis tanquam juſta ac rationi & Canoni prædicto conſona videbatur, dictum tamen Robertum Walker ejúſque Cauſam, unà cum Petitione ſuâ prædictâ, Examinationi & Conſiderationi prædicti Confratris noſtri Domini Exon.' Epiſcopi aliàs retulerimus & remiſerimus; Cumque Dilectus Robertus Walker, querelam ſuam priorem renovando, aliam nobis nuper exhibuerit Petitionem, noſtrámq; opem imploraverit, quatenùs ſibi providere, eique docendi facultatem, ac Literas noſtras Inhibitorias contra perſonas prænotatas & alios quoſcunque Ludimagiſtri officium infra Parochiam prædictam exercentes, in præjudicium dicti Roberti Walker, concedere dignaremur: Nos nolentes eidem parti querelanti in ſuâ deeſſe Juſtitiâ, ſicuti nec debemus, Vobis igitur conjunctim & diviſim committimus ac firmiter injungendo mandamus, quatenùs Inhibeatis ſeu Inhiberi faciatis peremptoriè præfatis Thomæ Potter, Anthonio Hudſon, & Johanni Jeffery, in ſpecie, ac omnibus aliis & ſingulis Ludimagiſtri Officium infra Parochiam de Torrington magnâ prædict.' exercentibus ſeu exercere volentibus in genere, quibus nos etiam tenore præſentium ſic Inhibemus, ne ipſi à tempore Executionis ſeu Intimationis præſentium, prætextu aut colore cujuſvis Licentiæ, aliquos pueros in Literis Grammatilibus, aut in arte ſive Facultate legendi aut ſcribendi, edoceant, aut Ludimagiſtri Officium ullatenùs infra parochiam de Torrington-Magna prædict.' exerceant, ſeu eorum aliquis ſic docere aut exercere præſumat, quamdiu prædictus Robertus Walker Curæ animarum Parochianorum de Torrington magna prædict.' deſervierit, ac docendi munus ibidem exercuerit, ſub pœna Juris & majoris Contemptûs. Et quid in præmiſſis feceritis, Nos, aut Vicarium noſtrum in ſpiritualibus Generalem & Officialem Principalem, vel alium Judicem in hac parte competentem quemcunque, debitè Certificetis, ſeu ſic certificet ille veſtrûm qui præſens noſtrum mandatum fuerit executus, quoties & quando ad id ex parte dicti Roberti Walker fueritis requiſiti. Dat.' ſeptimo die Menſis Maii, Anno Domini milleſimo ſexcenteſimo ſeptimo, & noſtræ Tranſlationis Anno tertio.

— whereupon at the petition of the Curate inhibition is granted.

1607.

Pag. 1101.

IX. *Inhibitio, ne Curatus doceat, ubi Schola* Libera *exiſtit.*

Recited, That a Free Grammar School had been anciently erected and ſtill remained;

* Abbot; Regiſtr. f.206, a.

*GEORGIUS, Providentiâ Divinâ Cantuarienſis Archiepiſcopus, totius Angliæ Primas & Metropolitanus, Univerſis & Singulis Clericis & Literatis quibuſcunque, per Provinciam noſtram Cantuarienſem ubilibet conſtitutis, Salutem. Cum in villâ ſive oppido de Sevenoke, in Comitatu Cantii, Decanatûs de Shoram, noſtri, & Eccleſiæ noſtræ Cathedralis & Metropoliticæ Chriſti Cantuarienſis Juriſdictionis immediatæ, à Tempore immemorato & præſcriptibili fuerit & ſit quædam libera Schola Grammaticalis legitimè fundata, erecta, & ſtabilita, in maximum Commodum inhabitantium dictam villam, oppidum, ſive Parochiam de Sevenoke, omniumque aliorum illuc confluentium; ibique pueri omnes liberè, laborioſè & fructuoſè, in bonis literis de tempore in tempus docti & inſtructi fuerint & ſint; Cúmque (præmiſſis non obſtantibus) quidam Willielmus Turner, Clericus, Vicarius Vicariæ Eccleſiæ Parochialis de Sevenoke prædict.' & alii, eorum lucrum bono publico præferentes, Pueros in Literis Grammaticalibus infra dictam villam, oppidum, ſive Parochiam, ſine aliqua Authoritate, ſaltem legitimâ, edoceant, in vilipendium manifeſtum Canonis in ea parte editi, dictæquæ Scholæ Grammaticalis præjudicium non modicum; Unde, ex parte Gubernatorum prædictæ liberæ ſcholæ Nobis humiliter fuerit ſupplicatum, quatenùs de remedio opportuno in hac parte providere dignaremur: Nos verò eorum in hac parte Petitioni favorabiliter inclinantes, Vobis conjunctim & diviſim committimus, ac firmiter injungendo mandamus, quatenùs Inhibeatis ſeu Inhiberi faciatis peremptoriè præfato Willielmo Turner Clerico, in ſpecie, ac omnibus & ſingulis aliis Ludimagiſtri officium infra Parochiam de Sevenoke prædict.' exercentibus ſex exercere volentibus in genere, quibus nos etiam tenore præſentium ſic Inhibemus, ne ipſi à tempore Executionis ſive Intimationis præſentium, prætextu aut colore cujuſvis Licentiæ, vel abſque Licentiâ, aliquos pueros in literis Grammaticalibus edoceant, aut Ludimagiſtri officium ullatenùs infra Parochiam de Sevenoke prædict.' in præjudicium prædictæ liberæ Scholæ Grammaticalis exerceant, ſeu eorum aliquis ſic docere aut exercere præſumat, ſub pœnâ juris & contemptûs. Et quid in præmiſſis feceritis, Nos, aut Vicarium noſtrum in Spiritualibus Generalem & Officialem principalem, aliúmve

—and that the Curate and others taught, in prejudice of it,

— and an inhibition granted to the ſaid Curate and all others.

ve Judicem in hac parte competentem, quemcumque debitè Certificetis, ſeu ſic Certificet ille veſtrûm qui præſens noſtrum Mandatum fuerit executus. Dat.' viceſimo tertio die 1617. Menſis Decembris, Anno Domini milleſimo ſexcenteſimo decimo ſeptimo, & noſtræ Tranſlationis Anno ſeptimo.

SECT. XXI.

HOSPITALS.

Pag. 1106.

I. *Commiſſio pro Cuſtodiâ Hoſpitalis.*

† Reynolds; Regiſtr. f. 262, b.

Nomination to the Government of an Hoſpital.

† WALTERUS &c. Dilecto in Chriſto Filio, Magiſtro Willielmo de Maldon, Clerico, Salutem, Gratiam, & Benedictionem. De tuâ circumſpectione & induſtriâ, quibus apud Nos multipliciter commendatus exiſtis, in Domino confidentes; liberam Adminiſtrationem & Cuſtodiam integram Hoſpitalis noſtri Beatorum Apoſtolorum Petri & Pauli de Maydenſtane, ad noſtram Ordinationem pleno Jure ſpectantis, ſecundùm formam Conſtitutionis Novellæ, *Quia contingit*, cum omnibus ſuis Juribus & Pertinentiis univerſis, tibi committimus exercendam. In cujus rei teſtimonium, Sigillum 1326. noſtrum præſentibus eſt appenſum. Dat.' apud Otteford, 2 Kal. Jul. Ann. Dom. 1326.

Pag. 1106.

II. *Enquiries to be made by the Biſhops, concerning the State and Condition of Hoſpitals.*

Regiſtr. Sheld. f. 204, b. ‡ Car. II. † Sheldon.

HIS ‡ Majeſty's Inſtructions concerning the preſent Condition of all Hoſpitals in *England*, and *Wales*; directed to the Lord † Archbiſhop of *Canterbury*, who is required to recommend the ſame to the Enquiry of the Biſhops of both Provinces, as well of *York*, as *Canterbury*; And, in his Majeſty's Name to command them, that with all convenient ſpeed they do each of them reſpectively Certifie to his Grace the following Particulars, *viz.*

I. How many Hoſpitals are there within your Dioceſe?

II. Who were the Founders thereof?

III. What the Revenue of each Hoſpital doth amount unto by the Year upon the Rentall.

IV. What the Fines are reputed to be worth, *Communibus Annis?*

V. What Lands and Woods, or Leaſe-hold Houſes or Tenements, belong to each Hoſpital, and who hath the letting and ſetting of them?

VI. Who are Feoffees in Truſt, (if any ſuch be) for the ſaid Hoſpitals? And whether you have heard any juſt Cauſe of Complaint againſt them, that they have not performed their Truſt?

VII. Who is the preſent Maſter, Warden, Prior, Governour, or Head, of every of the ſaid Hoſpitals? And what is his Allowance according to the Foundation, or what is his Place reputed to be worth in common eſteem?

VIII. How many Poor are maintained in each Hoſpital, and of what ſort, Men, Women, or Children; And what their Places are worth, according to the Foundation, or reputed according to the common Eſteem? And whether there be now as many Members as ought to be by the Foundation? If not, How many and what places are void, And who receives the Profits of them? And if they all have their allowances duly made them as they ought?

IX. What Statutes, Orders, or Rules, the ſaid Hoſpitals reſpectively are governed by? and to ſend us Copies of them.

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OF THE

STATUTES, CONSTITUTIONS,

CANONS and *ARTICLES*;

According to the ORDER in which they were made,

AND

With Reference to the PAGES, where they may be found in this WORK.

A

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OF THE

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